S. Hrg. 98-1280

FOLLOWUP HEARINGS ON DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1985

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

SECOND SESSION

ON

H.R. 5899

A BILL MAKING APPROPRIATIONS FOR THE GOVERNMENT OF THE DISTRICT OF COLUMBIA AND OTHER ACTIVITIES CHARGEABLE IN WHOLE OR IN PART AGAINST THE REVENUES OF SAID DISTRICT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1985, AND FOR OTHER PURPOSES

SPECIAL HEARINGS

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DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1985

TUESDAY, SEPTEMBER 11, 1984

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, D.C.

The subcommittee met at 9:31 a.m. in room SD-192, Dirksen Senate Office Building, Hon. Arlen Specter (chairman) presiding.

Present: Senator Specter.

PANEL I—CRIMINAL JUSTICE SYSTEM

STATEMENTS OF:

HON. FRED B. UGAST, PRESIDING JUDGE, CRIMINAL DIVISION OF THE DISTRICT OF COLUMBIA SUPERIOR COURT

HON. JOSEPH DI GENOVA, U.S. ATTORNEY FOR THE DISTRICT OF COLUMBIA

INSPECTOR WILFRED K. COLIGAN, DIRECTOR, MORALS DIVISION, METROPOLITAN POLICE DEPARTMENT

OPENING STATEMENT OF SENATOR SPECTER

Senator SPECTER. The Subcommittee on the District of Columbia Appropriations will begin at this point on the subject of the drug problem in the District of Columbia which we are inquiring into today as it relates to a number of matters where we have studied the budgetary requirements of the District of Columbia, focusing on the problems of the Parole Board and probation system, and the prison system, as the drug problem impacts on those areas.

This subcommittee, as the record will show, has gone into great detail on the questions of release on parole and release on probation and allegations of violations of parole and probation as the use of drugs affects those important subjects.

DRUG PROBLEMS IN THE DISTRICT OF COLUMBIA

The District of Columbia has had enormous problems with drugs. It is a national problem and this city, Washington, D.C., really ought to be a national leader on this and other kinds of problems. Among those who were arrested in July 1984, some 1,246 individuals were tested; 53

percent tested positive, and in addition, those who admitted drug use brought the total to some 60 percent of drug users.

PCP is an enormous problem in the District of Columbia as it is nationwide, and some of the factors are really shocking, as the revelation that the police are now investigating six cases arising in the last 6 months of PCP intoxication in young children. Children's Hospital has five documented cases in the last year in children ranging in age from 2 months to 2 years, with the thought being that the intoxication occurs from being in the room where the drug is smoked with a remarkable surprising extension of the drug problem.

But those are the subjects which we are going to take up today in our effort to see where drug problems are leading us and what sort of funding response is necessary for the District to try to cope with this problem, both in terms of the impact on this city and the issue of potential leadership for the District of Columbia, facing up to a very serious national problem.

We have advanced the hearings to 9:30 this morning and I appreciate the response and cooperation, and that is because there are other matters which will require my attention later today. There is an important Judiciary hearing on a little later, so we will try to move with as much dispatch as we can.

We organized the proceeding into two panels today. I would like at this time to call on the Honorable Fred Ugast, presiding judge, Criminal Division of the District of Columbia Superior Court; the Honorable Joseph diGenova, U.S. Attorney for the District of Columbia; and Inspector Wilfred K. Coligan, Director of the Morals Division, Metropolitan Police Department.

If you gentlemen would step forward, I would appreciate it.

STATEMENT OF JUDGE UGAST

Judge Ugast, we will begin with you. We welcome you back and appreciate your cooperation and assistance in the past, and look forward to your testimony this morning.

Judge Ugast. Thank you, Senator. Good morning.

Chief Judge Moultrie expected to be here this morning, but as you were advised, he is involved in a complicated first degree murder case, and he asked that I express to you his personal regrets in not being here and requested that I be here instead and make his presentation.

PREPARED STATEMENT

With your permission, I would like to make a brief statement for the record and request then that the written statement be submitted and made part of the record.

Senator Specter. Yes; the full written statement will be made part of the record.

[The statement follows:]

STATEMENT OF CHIEF JUDGE H. CARL MOULTRIE I

Senator Specter and members of the Subcommittee on D.C. Appropriations, I am pleased to have been asked to speak today at this public hearing, which is looking into the drug situation in the District of Columbia, but am quite sad to have to report that the D.C. picture is not good.

Although the F.B.I. crime reports continue to reflect a substantial downward trend in reported criminal activity, I can only report that we have seen a 28% (808 case) increase in felony case filings from January to July of this year as compared to the same period of 1983. (See Chart 1)

In tracing that increase to specific criminal charges, we find that in 1983 drug indictments were 19.2% of the total felony offenses charged, while in 1984 they represented 41.5% of the total felony offenses charged.

In raw number of charges, this represented an increase from 681 to 2,121 charges or 1,440 additional felony drug charges in seven (7) months of 1984 as compared to the same period of 1983. A tripling of felony drug charges!! (See Chart 2)

Further, the expanded drug testing program, very capably operated by the D.C. Pretrial Services Agency, has documented that:

(During the Month of July, 1984)

53% of adult arrestees tested positive for a drug or drugs (63% either tested positive or admitted drug use)

32% tested positive for P.C.P.

In other words

60% of those who test positive for "any" drug are positive for P.C.P.

(See Chart 3)

And, in short, P.C.P. is the adult drug of choice.

The juvenile picture is also bleak.

Although only

32% of juveniles tested in the latest reporting period (July 22 -August 21) tested positive.

96% of these are positive for P.C.P.

Essentially, P.C.P. is the drug of the juvenile.

(See Chart 4)

And most importantly

42% of the juveniles were not tested, basically, because they "could not provide a specimen" or were moved out of the cell block before they could be tested. There is no way to estimate what percent of these would test positive, but, one must sense it would be a substantial percentage.

(See Chart 5)

We have, unfortunately, also had very little pre-trial or post adjudication drug monitoring support available to help us keep track of adult and juvenile drug status and activity. This testing is critical if you are to have any hope of keeping a defendant drug free, pre or post trial.

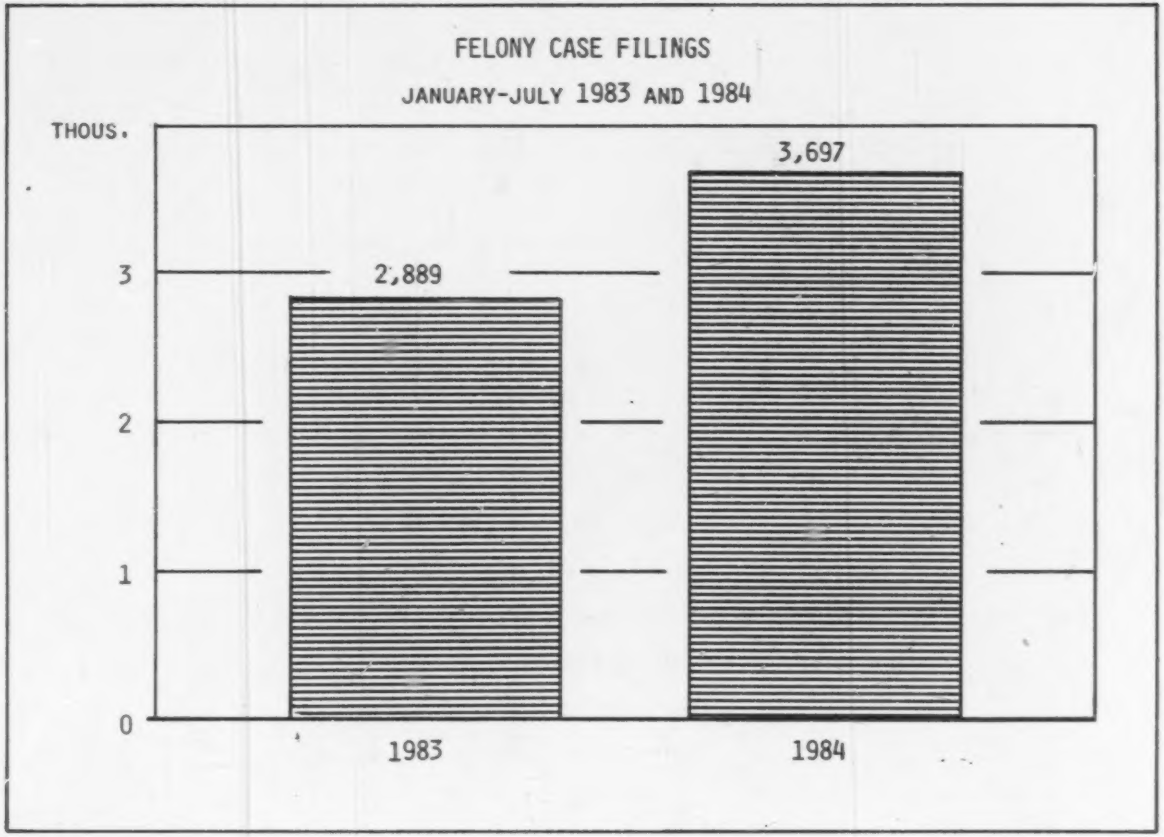
Further, there are very few rehabilitative programs available and only a very limited number of slots available for defendant placement in those programs that are in operation.

Finally, on a single positive note, I am happy to be able to report that we are only one step away from getting the seven (7) new judges you worked so hard to help authorize and fund, for which the District of Columbia is in your debt. They have been nominated by the President and, at this very moment, their confirmation hearings should be underway before Senator Mathias's subcommittee. It is quite possible, therefore, that we will have full Senate confirmation prior to the end of the year.

As I know you realize, it would be impossible for us to make any progress in the backlog or even think about addressing rising felony drug caseloads without those judges.

In short Senator, with that one exception, mine is not a positive report!

CHART 1



FELONY CASE FILINGS

JANUARY-JULY 1983 AND 1984

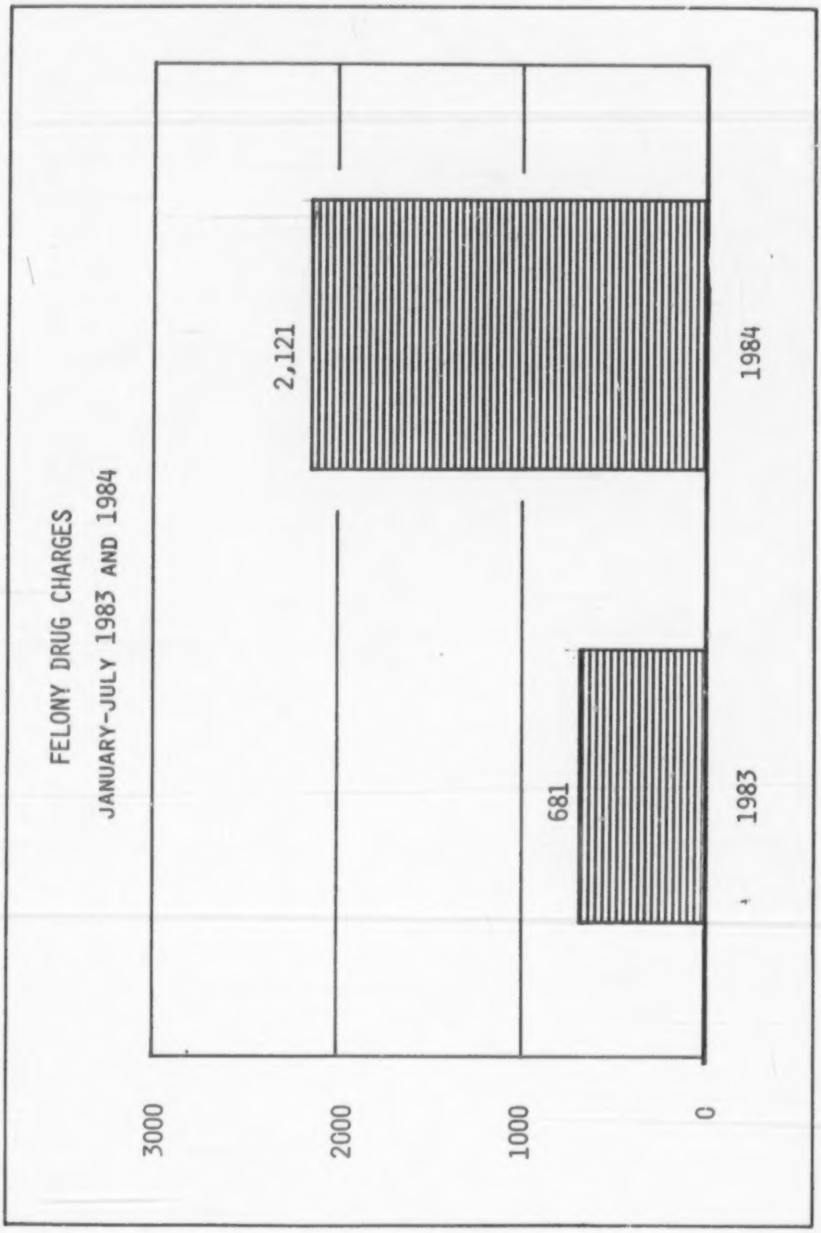


CHART 2

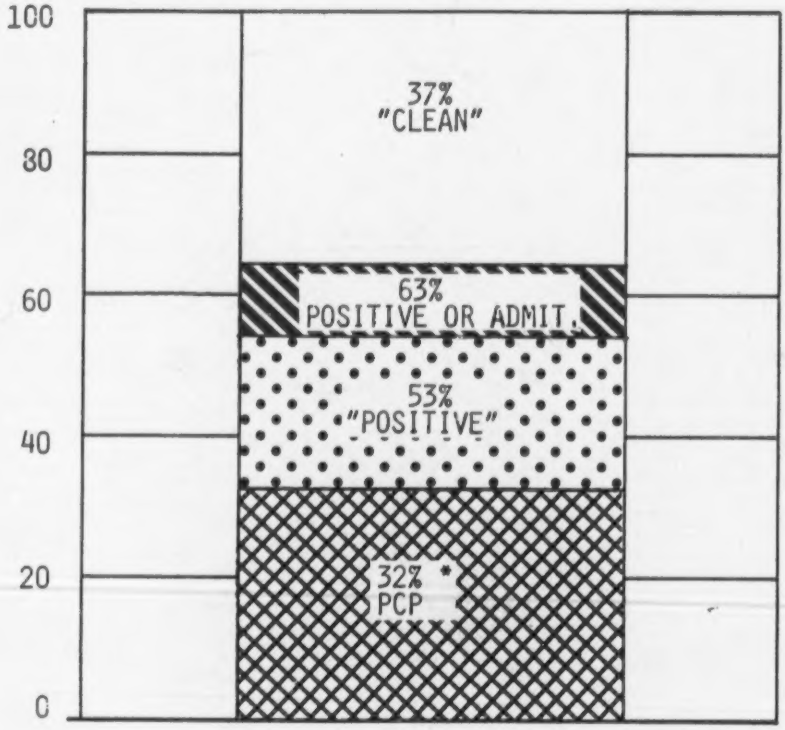
FELONY DRUG CHARGES

JANUARY-JULY 1983 AND 1984

CHART 3

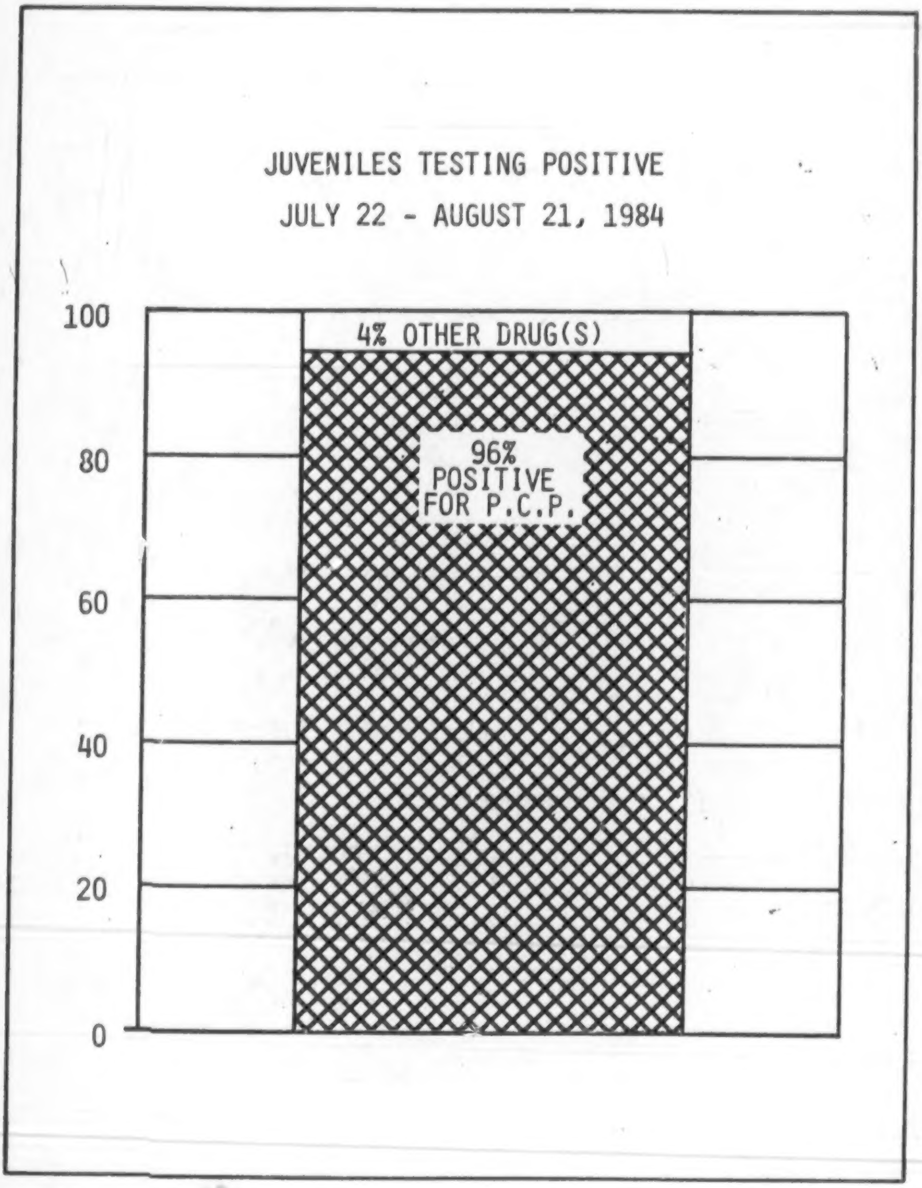
ARRESTED ADULTS TESTED

JULY 1984



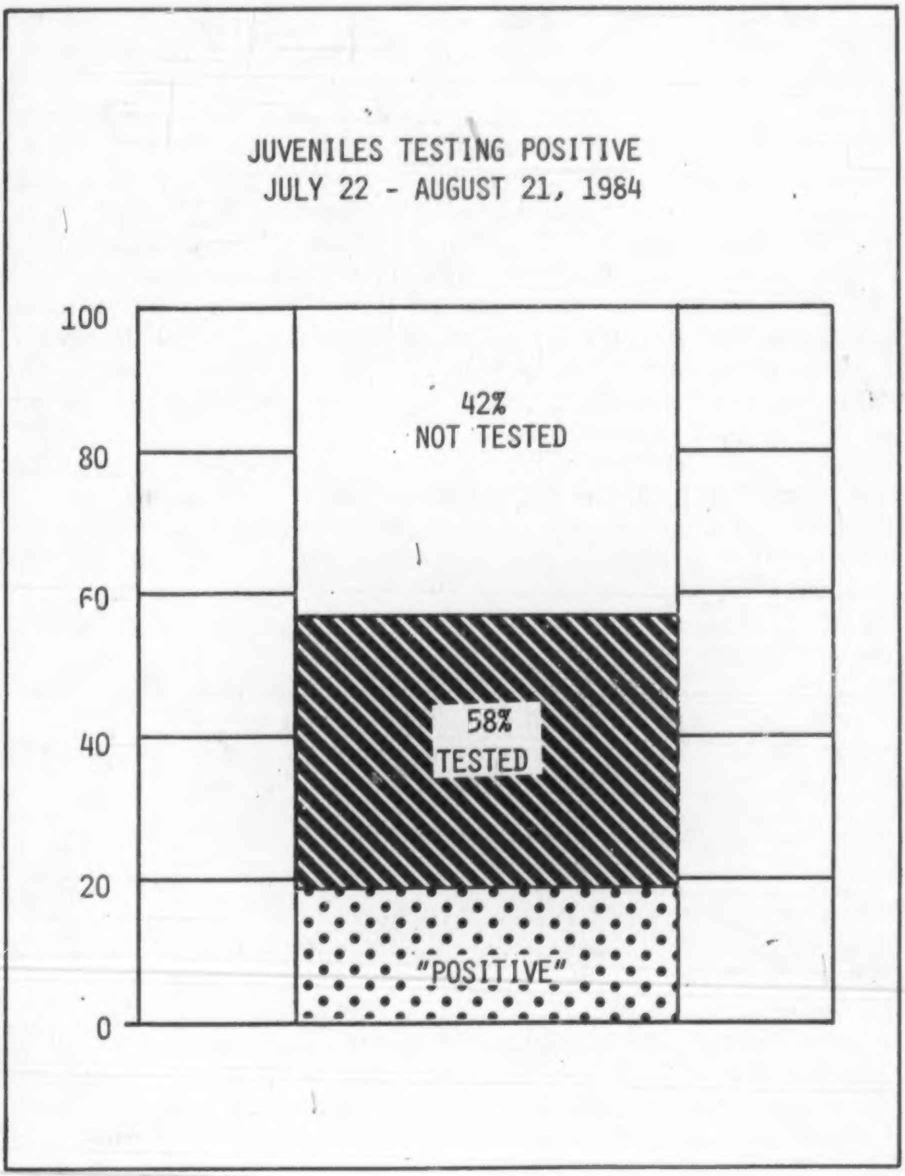
*60% OF "POSITIVES" ARE POSITIVE FOR P.C.P.

CHART 4



JUVENILES TESTING POSITIVE
JULY 22 - AUGUST 21, 1984
100
80
60
40
20
0
4% OTHER DRUG(S)
96% POSITIVE FOR P.C.P.

CHART 5


JUVENILES TESTING POSITIVE
JULY 22 - AUGUST 21, 1984
100
80
60
40
20
0
42%
NOT TESTED
58%
TESTED
"POSITIVE"

INCREASE IN FELONY CASE FILINGS

Judge UGAST. Senator, on behalf of Chief Judge Moultrie and the court, I am pleased to speak today at this hearing, which is looking into the drug situation here in our city, but unfortunately I have to report that the D.C. picture is not good.

Although the FBI crime reports continue to reflect a substantial downward trend in reported criminal activity, I can only report that we have seen a 28-percent increase in felony case filings from January to July of this year, as compared to the same period of 1983.

In this connection, I would direct your attention to a chart that we have had prepared and that chart reflects that there were——

Senator SPECTER. The subcommittee would like to interrupt you, Judge Ugast, and welcome the holder of that chart, Larry Polansky, an old friend, and someone who has provided a lot of very important statistics to this subcommittee, and was a court administrator in the Commonwealth of Pennsylvania.

Judge UGAST. The chart reflects there were 2,889 felony filings in the first 7 months of 1983, and for the same 7-month period this year, we have 3,697 case filings. That is an increase of 808 cases.

Now, in tracing that increase to specific criminal charges, we find that in 1983 drug indictments were 19.2 percent of the total felony offenses charged, while in 1984 they represented 41.5 percent of the total felony offenses charged.

And again directing your attention to another chart, in raw number of charges, this represented an increase from 681 to 2,121 charges, or 1,440 additional felony drug charges in 7 months of 1984, as compared to the same period of 1983, a tripling of felony drug charges.

CORRELATION BETWEEN DRUG OFFENSES AND OTHER CRIME OFFENSES

Senator SPECTER. Judge Ugast, are these charges related to drugs alone without a corollary burglary or robbery charge?

Judge UGAST. There may well be other charges with them, but these, which we were able to pull out, included drug charges. Frequently there will be both.

Senator SPECTER. The question arises in my mind as to whether these increases in drug charges also carry with them an increase in burglaries, which is a very frequent offense committed by the drug user.

Judge UGAST. Well, to some extent I believe the police figures have reflected that the burglary figures have gone down. But frequently there is a correlation between the drug offenses and a number of the other offenses that we can see.

DRUG TESTING PROGRAM

Now, as you are aware from our testimony previously, we have an expanded drug testing program in place in the courts that is operated by the Pretrial Services Agency, and that program has documented a number of interesting items, some of which you, I believe, referred to with respect to the July report in your opening statement, and the next chart will reveal that.

During the month of July—I believe you were aware of these figures—53 percent of adult arrestees tested positive for a drug or drugs, and actually 63 percent either tested positive or admitted drug use; 32 percent tested positive for PCP. That would mean that 60 percent of those adults who test positive for any drug are positive for PCP. That would seem to reveal, at least at this time, PCP is the adult drug of choice.

JUVENILE DRUG TESTING

Now, the juvenile picture is also bleak. For the reporting period July 22 through August 21 this year, of those juveniles who tested positive, 96 percent are positive for PCP. Again, that would appear to indicate that PCP is the drug of the juvenile at this time.

Senator SPECTER. You say 96 percent of the juveniles who were positive were positive for PCP, but how many juveniles are tested positive?

Judge UGAST. Well, the unfortunate aspect of this is that they have only been testing I believe 2 months, and the figures we have show that 42 percent of the juveniles arrested were not tested, basically, because they were not able to provide a specimen or were moved out of the cellblock by the marshal before they were able to be tested. So that the figures do not yet reflect the full picture.

Senator SPECTER. All right. So how many juveniles were tested? These are all the juveniles that were tested during July 22 to August 21 of this year?

Judge UGAST. That is correct.

Senator SPECTER. Do we know how many there were?

Judge UGAST. I do not know the exact figures, but on figuring an average of about 15 a day—maybe Larry has those figures—but I would estimate that they would be somewhere in the neighborhood of 80 to 100.

Senator SPECTER. 15 a day?

Judge UGAST. Figuring 15 to 20 juveniles go through the system each day—through the lockup system—on an average, and using that figure.

Mr. POLANSKY. 261 could have been tested, but only 109 were tested.

Judge UGAST. That is what I thought.

Figuring on an average of about 60 a week or so, 15 a day, 75 a week, total of 261 would have gone through the system and the lockup, and that would mean only 42 percent, or 109 were not tested.

Senator SPECTER. 260 juveniles went through the system from July 22 to August 21?

Judge UGAST. Correct.

Senator SPECTER. What were they arrested for?

Judge UGAST. As I understand it, there would have been all different types of charges filed.

Senator SPECTER. Any kinds of allegations of crime?

Judge UGAST. Yes, sir. They would go through what we call the new referral court on juveniles.

Senator SPECTER. Juvenile is anyone under 18, of course.

Judge UGAST. Right.

Senator SPECTER. That seems to me like a small number of juveniles to be arrested. It seems that there is a special category—I think there would be more juveniles arrested during a 30-day period than 261.

Judge UGAST. These are only the ones that would go through the full system. They were the ones held and detained and not brought before a commissioner, like in a citation case where there would be a special hearing. These would be the ones who were locked up and not allowed to go home to come back for the hearing.

Senator SPECTER. I was wondering if there were more serious underlying charges as to these 261?

Judge UGAST. Serious charges and/or a prior record.

NUMBER OF JUVENILES TESTED POSITIVE FOR PCP

Senator SPECTER. Of the 261, some 58 percent were tested, so that is about 150 were tested; of that group, 98 percent tested positive for PCP.

Mr. POLANSKY. 32 percent tested positive, but almost all tested positive for PCP.

Senator SPECTER. 32 percent tested positive.

So what are the base figures? About 260 were arrested and 60 percent were tested, it would be about 150. And about one-third of those were positives, about 50, and almost all of those were positive for PCP?

Mr. POLANSKY. That is right.

Judge UGAST. Right. Small numbers, yet in terms of statistical validity, I think it is significant.

Senator SPECTER. Do we have statistics for any other period of time besides July 22 to August 21 of this year?

Judge UGAST. Not yet, but the program only started, I believe, shortly before July on juveniles.

Mr. POLANSKY. We have figures for about 30 days prior to that, but they are not reliable.

TESTING PROGRAM FOR ADULTS AND JUVENILES

Judge UGAST. We started a testing program for adults on March 5 and juveniles were just brought into the testing program this summer.

Finally, unfortunately, we have also had limited resources available. We have had close cooperation with the ADASA (Alcohol and Drug Abuse Services Administration), but there have been limited resources available for pretrial or postadjudication drug monitoring to help us keep track of adult and juvenile drug activity. And I am now talking both about pretrial and posttrial.

Of course this testing is critical if you are to have any hope of keeping a defendant drug free pretrial or posttrial.

Also I think one of the most serious problems for us here is that there are very few rehabilitative programs available and only a very limited number of slots available for placement of defendants in those programs that are actually in operation.

APPOINTMENT OF SEVEN NEW JUDGES

Finally, on a positive note, we are happy to report after talking with Chief Judge Moultrie, that as you may be aware, we are only one step away from getting the seven new judges you worked so hard to help authorize and fund, for which the District of Columbia is in your debt.

Senator SPECTER. We are half a step away. As I walked out of a meeting with Olympian athletes earlier today, Senator Mathias, who was on his way to a hearing, said it was going to get done. So maybe it is just a half step away.

Judge UGAST. Well, we know we are very excited and very pleased and appreciate all that you have done. We hope there will be confirmation by the end of the month.

As you know, I am sure, it is impossible for us to really make the progress that we would like to be making in trying to reduce this backlog, or to even address in any solid way trying to reduce the felony drug caseload without the additional judicial resources. We are making plans on how we would hope to deal with the rise in caseloads throughout the court with the addition of the new judges. So in short, Senator, with that one exception, unfortunately, our report is not a very positive one.

Thank you very much.

Senator SPECTER. Well, thank you very much, Judge Ugast.

The statistical picture that you present about widespread drug usage certainly is a serious one. As bad as it is, we have to face up to the facts and figure out what to do about it.

STATEMENT OF U.S. ATTORNEY, JOSEPH DIGENOVA

I would like now to turn to the Honorable Joseph diGenova, U.S. Attorney for the District of Columbia.

We welcome you here, Mr. diGenova. We appreciate the help that you have given us in the past and look forward to your testimony today.

Mr. DIGENOVA. Thank you once again for extending me the courtesy of coming here and sharing some of my thoughts with you about a problem that is of great interest to you I know and the citizens of the District of Columbia.

I am sorry to have to report that I must echo the rather pessimistic assessment which Judge Ugast has provided you this morning.

Before appearing here this morning, I asked my staff to come up with some statistics, just generally, on drug prosecutions, and they, of course, track almost entirely what Judge Ugast has just alluded to.

For example, looking at adult arrests in the area of drugs, while adult arrests are up 22 percent over the last 4 years, drug arrests are up 129 percent.

With regard to indictments, indictments for all offenses are up 10 percent over 4 years ago, but drug indictments are up 262 percent.

With regard to dispositions of cases, whatever they might be—and this underscores the fact that the judges are working in the superior court—that dispositions of all kinds of criminal cases are up 50 percent over 4 years ago, but drug dispositions are up 204 percent.

And the early statistics from 1984 that we have been able to gather do not bode well. For example, just in the first 2 months of 1984, 384 of the 894 cases indicted in the first 2 months—that is 43 percent—were for felony drug charges.

Now, that gives you, I hope, some idea of the total pervasiveness of the drug problem in the criminal justice system.

Senator SPECTER. When you say felony drug charge, is there a burglary charge, robbery, or some other felony attached to it?

Mr. DIGENOVA. There could be. Generally those are straight drug charges. Those are arrests made on the street. They are mostly just drug charges.

Occasionally we will go through the arrest process, with the assistance of the Metropolitan Police Department, and make another case, make some connection to it.

CRIMINAL CHARGE FOR USE OF DRUGS

Senator SPECTER. Is use a felony in the District of Columbia?

Mr. DIGENOVA. No; use is a misdemeanor. Distribution or sale is a felony.

Senator SPECTER. So there would have to be something more than just use to make a felony drug charge?

Mr. DIGENOVA. That is correct. For example, if someone were to have in their possession a certain amount, you could make an inference from that that it was possession with intent to distribute, for example.

STATISTICS ON INFORMATION AND INDICTMENTS OF PCP

Getting specifically to the question that you are concerned about today, that is PCP, we have tried to pull out some statistics and they are startling.

Just to give you an example, in 1982, the total number of informations and indictments for PCP was 397.

In 1983 the total number of informations and indictments per our records for PCP quadrupled to 1,283.

And in the first 6 months of 1984, the total number of informations and indictments already are at 967.

Now, what that means is that we are going to have a tripling of simple possessions and indictments for felonies will be up from 18 in 1982 to well over 740 in 1984 for PCP alone, no other drugs being taken into consideration.

So it is clear that the PCP problem is epidemic in this city and that the resources of not only the courts, but of the police department and of the prosecutor's office are being strained.

Now, the individuals who are functioning in those offices are doing a very fine job, but it is clear that this problem is not imaginary. It is real and it is serious, and it is extremely dangerous to the community.

IMPORTATION OF DRUGS INTO THE DISTRICT

Senator SPECTER. Mr. diGenova, does the current problem of increased use of drugs in the District of Columbia relate to the importation of drugs from foreign sources?

Mr. DIGENOVA. Obviously in the case of PCP, there is a tremendous amount of manufacturing of that drug going on inside of the District of Columbia and in the metropolitan region.

Some of the PCP is coming in in liquid form from California, we do know that. We have been able to make inroads into the tracing of that.

Obviously with regard to heroin and cocaine, we are becoming and have been for some time not only a transshipment point, but an ultimate destination. And we see that in the quality of the heroin on the street, which in some instances is reaching the high 90 percent, which is unprecedented in this city. In other words, we are talking about heroin with purity of well into the high nineties.

Senator SPECTER. As you know, the Congress is very much concerned about the sources of foreign countries, many of which receive foreign aid, and there has been serious consideration in the Congress about cutting off foreign aid to countries where there is not sufficiently aggressive law enforcement action to stop the flow of drugs that come into the United States, causing so much havoc in places like Washington, D.C.

To what extent do these increases in drug sales relate to the kinds of drugs which do have point of origin in such foreign countries?

Mr. DIGENOVA. Well, Senator, it is clear that the various interdiction programs which have been undertaken by the Justice Department and the Customs Service, and of course the Department of State in its ongoing negotiations with countries like Colombia, have had a profound effect, particularly in Colombia, which has undertaken a rather substantial program of eradication and enforcement internally.

We have seen a drying up of some of the supplies in certain areas of cocaine, for example, and that has obviously had some affect on what is available in the marketplace. And the fact is that the extensive program which exists with regard to the 12 organized crime drug enforcement task forces which have been established by the Attorney General have had a profound affect on the number of indictments of serious kingpin operations which have been returned, including several of those cases in the District of Columbia, which is unprecedented, because it had always been thought that the District did not have this kind of large-scale drug activity in terms of conspiracies involved.

Senator SPECTER. Notwithstanding those efforts, are we looking at a situation where the problem continues to get worse?

Mr. DIGENOVA. Well, Mr. Chairman, I do not know that I am the person to make that assessment in terms of not having the full overview of the Department of Justice of all of the policy. I can tell you that in the District of Columbia, we have seen the PCP problem grow exponentially and that is not a problem of importation; that is a homegrown problem.

With regard to heroin and cocaine, it is clear that those drugs are coming in from various parts of the world, and it is also clear that historic amounts of resources are being devoted to interdiction and to enforcement.

For example, as you know, finally, after 4 years, the administration and the Attorney General have gotten the drug enforcement personnel up to the areas they were prior. They had been down so low, there has been a diminution in the number of DEA, for example, available until 1980 when the Attorney General began upping the budget of DEA, and, in fact, increasing the number of Federal prosecutors available to prosecute these cases.

RESOURCES TO COMBAT IMPORTATION OF DRUGS

Senator SPECTER. Mr. diGenova, I think there is no doubt there has been a massive attack by the administration on the drug problem, and that it has had notable success.

The question remains whether we need to do more.

Mr. DIGENOVA. Mr. Chairman, let me say this, I always answer this question in two ways when people say to me, "Well, you all are not winning this battle." No. 1, I think we are. No. 2, how bad would things be if we were not making the new massive effort that has been made in the last 3 years by this Attorney General? And No. 3, we obviously can do more. We need to do more. And this Attorney General and this administration want to do more, and they have not been reluctant to come to Congress and ask for the funds necessary to do more of a job.

Senator SPECTER. Well, I think that is all so and I would agree with that.

The question then comes up as to the current situation, whether we ought to be doing something by way of cutting off foreign aid—you cite Colombia—extensive publicity has been current on Jamaica recently as to that as a trouble spot.

INCREASE IN USE OF HEROIN

Do you have a perception, Mr. diGenova, that use of heroin is on the increase in Washington, D.C.?

Mr. DIGENOVA. Mr. Chairman, I do not see any great increase in the use of heroin.

Now, perhaps Inspector Coligan, when he has a chance to address this, may have his finger on some more accurate statistics on the use of heroin than I do.

INCREASE IN USE OF COCAINE

Senator SPECTER. How about cocaine, from your own perceptive, is cocaine on the increase?

Mr. DIGENOVA. I see some slight increase in use. But the thing that is disturbing me most, Mr. Chairman, as well as the increase in use, is the increase in the quality of the heroin that is available.

We are having seizures in major cases where the percentage of quality of the heroin in terms of purity—what a sad word to have to use—in terms of purity is in the high 90 percent. Those are unprecedented for seizures in the District of Columbia.

Senator SPECTER. That is evidence more is coming into the country?

Mr. DIGENOVA. It is certainly evidence that more can be cut from high percentage heroin. It is also a dangerous trend in that if high purity heroin is getting on the street, there is a higher likelihood that individuals will be injected and die from overdoses, because they are not used to injecting heroin in that purity in their bodies and will have cardiac arrest.

INCREASE IN THE NUMBER OF HEROIN DEATHS

Senator SPECTER. Deaths from heroin have increased substantially, according to statistics I saw here.

Mr. DIGENOVA. There have been increases in drug-related deaths across the board.

STATEMENT OF INSPECTOR COLIGAN, METROPOLITAN POLICE DEPARTMENT

Senator SPECTER. Let us turn at this point to Inspector Coligan, Director of the Morals Division of the Metropolitan Police Department.

We welcome you, inspector, and look forward to your testimony.

A focus of the subcommittee's interest is—we were just on the point—what is happening with heroin and cocaine in terms of increased use, if any, in the District of Columbia?

Inspector COLIGAN. Yes, sir. I believe my statement will address that issue.

Mr. Chairman, I appreciate the opportunity to be here today representing Chief of Police Maurice T. Turner, Jr., for the purpose of making a statement on the overall impact of narcotics on law enforcement, and society in general, in Washington, D.C.

The local problems in drug enforcement are multifaceted. Today, drug abuse has reached epidemic proportions within the District of Columbia. There are nine active drug treatment clinics in our city and all are filled to maximum level.

According to our Alcohol and Drug Abuse Services Administration, there are an estimated 15,000 drug addicts citywide. Narcotic-related overdose deaths have risen from a low of 7 in 1978, 41 in 1979, 62 in 1980, 115 in 1981, leveled off to 100 in 1982 and 69 in 1983, and dramatically increased to 78 through August 1984. Most alarming is the fact that during the same time period the purity has tripled, heroin street prices dropped more than half; thus indicating a readily available supply of heroin.

AVAILABILITY OF HEROIN ON STREETS OF WASHINGTON

Senator SPECTER. Is there more heroin available for sale on streets in Washington, D.C., today than in the past, inspector, in your opinion?

Inspector COLIGAN. During the last couple of years, I would say that the heroin availability is always there, arrest statistics will show arrests for heroin have leveled off, somewhat decreased in the last several years. This is in part because of the increase in PCP. Our resources have been attacking that problem.

Senator SPECTER. The increase in heroin deaths indicates there is more heroin being used?

Inspector COLIGAN. That is correct, sir. And probably more people are using heroin. So the heroin, when I say——

Senator SPECTER. You think more people are using heroin in Washington today than, say, last year?

Inspector COLIGAN. Yes, sir, I believe so.

DRAMATIC INCREASE IN USE OF COCAINE

Senator SPECTER. How about cocaine?

Inspector COLIGAN. Cocaine much more. We show a dramatic increase in cocaine over the last couple of years.

Senator SPECTER. How dramatic is the increase in cocaine?

Inspector COLIGAN. We arrested 969 persons for drug violations involving cocaine in 1982.

In 1983 we arrested 713 persons, and so far in 1984 we have arrested 920 persons who were involved in cocaine.

Senator SPECTER. So if you project the 1984 statistics to the end of the year, is the 920 the August 31 statistic?

Inspector COLIGAN. That is correct, sir, that is the August statistic.

Senator SPECTER. So there would be 50 percent more for the last 4 months, 410. So if you projected that, it would be 1,330 for the year, which would be almost double 1983?

Inspector COLIGAN. That is correct, sir.

Senator SPECTER. Do you think more cocaine has been imported into the United States?

Inspector COLIGAN. I believe more cocaine is being brought into the District of Columbia. Now, the United States as a whole, I am not in position to state.

Senator SPECTER. OK. Fair enough.

More cocaine is being brought into the District of Columbia?

Inspector COLIGAN. Yes, sir.

INCREASE IN NUMBER OF LOCATIONS IN USE OF HEROIN

Senator SPECTER. How about heroin?

Inspector COLIGAN. Heroin? Heroin, according to our statistics, is a little tougher to predict, whether there is more heroin or not, because of the enforcement effort on our part.

I have no reason to believe that heroin is decreased. We see heroin in more and more locations, so I would say heroin is increased in the District, in a higher, purer form.

Senator SPECTER. You do see heroin in more locations you say?

Inspector COLIGAN. Yes, sir.

Senator SPECTER. Would you expand on that finding?

Inspector COLIGAN. In 1981, the chief of police instituted a narcotic task force whose primary goal was to attack street distribution of heroin and other drugs at street marketplaces. As a result of this enforcement effort and targeting those areas of impact in several locations throughout the District where you could purchase heroin, we made thousands of arrests, and this has caused the street dealers also to leave the areas that were known distribution points in the past and to take up business sales at other locations throughout the District.

Senator SPECTER. Thank you very much, inspector, for those statistics. Proceed with your statement now if you would, please.

AVAILABILITY OF OTHER DRUGS

Inspector COLIGAN. In addition to heroin, other controlled substances have increased in availability throughout the District. In the past there were only several locations situated in specific areas of the District that were known street marketplaces for drugs. Now we see street marketplaces cropping up at more and more locations.

Another problem we have is a diversion by licensed practitioners of legitimate pharmaceutical drugs, such as Dilaudid and Preludin, into the illicit drug trafficking market. This contributes to the problem of drug availability. Dilaudid is used as a substitute for heroin by addicts, and also used exclusively by other abusers. Preludin is also used by heroin addicts primarily to extend their high and to increase the effects of heroin.

We have mentioned the availability of cocaine.

Marijuana is by far the most abused drug and is available throughout the District, and it is the drug of choice by youthful abusers. It is also the drug most commonly found in and around schools. However, its abuse is not exclusively that of the youth. Contrary to the belief held by many citizens, the possession of small amounts of marijuana is still a crime.

EMERGENCE OF THE DRUG PCP

A most alarming phenomenon of the local drug scene is the emergence of PCP as a leading drug of choice by the youthful abuser. PCP was first developed as an anesthetic in the 1950's. However, it was taken off the market for human use because it sometimes caused hallucinations.

During the past year street sales of PCP have greatly escalated. Street locations previously known for the distribution of Cannabis have become marketplaces for PCP distribution. The majority of arrests for sales and possession of PCP involve juveniles and young adults. Most persons arrested in connection with PCP are either under the influence of PCP or suffering effects from current use.

STATISTICS ON THE NUMBER OF JUVENILES ARRESTED

Senator SPECTER. Inspector, do you have statistics on juveniles arrested? We went over those to some extent with Judge Ugast. The issue arose whether those are all the juveniles arrested or juveniles arrested in a certain category of more serious offenses.

Inspector COLIGAN. I had statistics on juveniles arrested. I do not have them available. I would make them available when I get back in the office.

Senator SPECTER. We would appreciate it if you would make available to us how many were arrested on a month-by-month basis during the past year, what the charges were, and what was the finding as to drug usage of those juveniles.

Inspector COLIGAN. OK.

Senator SPECTER. Thank you.

[The information follows:]

LETTER FROM MAURICE T. TURNER, JR.

SEP 17 1984

Honorable Arlen Specter
Chairman, Subcommittee on the
District of Columbia of the
Senate Appropriations Committee
129 Dirksen Building
Washington, D.C. 20510

Dear Senator Specter:

This is in reply to your inquiry concerning Inspector Wilfred K. Coligan's testimony before the Subcommittee on the District of Columbia of the Senate Appropriations Committee on September 11, 1984, regarding juvenile arrests.

The information enclosed is categorized as "charges" and "arrests." "Charges" identify the total number of drug charges and the specific drug involved relating to juvenile arrests. "Arrests" identify the total number of juveniles arrested for drug violations. The total number of charges will usually be greater than the total number of arrests, inasmuch as arrestees are frequently involved in more than one type of drug, and each drug represents a separate charge. The information provided covers the time period from June 1983, through August 1984.

I trust that this information will be of assistance to you.

Sincerely,

William R

for Maurice T. Turner, Jr.
Chief of Police

JUVENILE CHARGES AND ARRESTS

June 1983	No. of Charges
UCSA - Distribution Marihuana	6
UCSA - Possession Marihuana	5
UCSA - Poss. With Intent Distribute Marihuana . . .	3
UCSA - Possession P.C.P.	1
UCSA - Poss. With Intent Distribute Cocaine	1
UCSA - Poss. With Intent Distribute Heroin.	1
UCSA - Distribution Cocaine	1
UCSA - Distribution P.C.P.	5
Total Charges =	23
Persons Arrested =	20

July 1983	
UCSA - Distribution Preludin.	1
UCSA - Distribution Marihuana	3
UCSA - Possession Marihuana	9
UCSA - Poss. With Intent Distribute Marihuana . . .	3
UCSA - Distribution P.C.P.	5
UCSA - Possession P.C.P.	2

July 1983--Continued	No. of Charges
UCSA - Poss. With Intent Distribute P.C.P.	1
UCSA - Possession Heroin.	1

Total Charges = 25

Persons Arrested = 24

August 1983	
UCSA - Distribution Marihuana	2
UCSA - Possession Marihuana	4
UCSA - Poss. With Intent Distribute Marihuana	3
UCSA - Possession P.C.P.	4
UCSA - Poss. With Intent Distribute P.C.P.	4
UCSA - Distribution Preludin.	1

Total Charges = 18

Persons Arrested = 15

September 1983	
UCSA - Possession Marihuana	21
UCSA - Poss. With Intent Distribute Marihuana	8
UCSA - Possession P.C.P.	4
UCSA - Poss. With Intent Distribute P.C.P.	4
UCSA - Possession Heroin.	1

Total Charges = 38

Persons Arrested = 28

October 1983	
UCSA - Possession Marihuana	16
UCSA - Poss. With Intent Distribute Marihuana	9
UCSA - Possession P.C.P.	10
UCSA - Poss. With Intent Distribute P.C.P.	10
UCSA - Poss. With Intent Distribute Heroin.	1
UCSA - Possession Cocaine	2
UCSA - Possession Preludin.	2
UCSA - Distribution P.C.P.	3

Total Charges =53

Persons Arrested = 47

November 1983	
UCSA - Possession Marihuana	22
UCSA - Poss. With Intent Distribute Marihuana	6
UCSA - Possession P.C.P.	7
UCSA - Poss. With Intent Distribute P.C.P.	11
UCSA - Possession Cocaine	1
UCSA - Poss. With Intent Distribute Cocaine	1

Total Charges = 48

Persons Arrested = 41

December 1983	No. of Charges
UCSA - Possession Marihuana	13
UCSA - Poss. With Intent Distribute Marihuana	4
UCSA - Possession P.C.P.	5
UCSA - Poss. With Intent Distribute P.C.P.	9
UCSA - Possession Cocaine	1
UCSA - Distribution Dilaudid.	1

Total Charges = 33

Persons Arrested = 28

January 1984	
UCSA - Poss. With Intent Distribute Valium.	1
UCSA - Possession Marihuana	13
UCSA - Poss. With Intent Distribute Marihuana	13
UCSA - Possession P.C.P.	6
UCSA - Poss. With Intent Distribute P.C.P.	5
UCSA - Poss. With Intent Distribute Cocaine	1
UCSA - Poss. With Intent Distribute Heroin.	2
UCSA - Distribution Preludin.	1
UCSA - Distribution P.C.P.	3
UCSA - Poss. With Intent Distribute Ritalin	1

Total Charges = 46

Persons Arrested = 37

February 1984	
UCSA - Possession Marihuana	10
UCSA - Poss. With Intent Distribute Marihuana	5
UCSA - Distribution Marihuana	9
UCSA - Possession P.C.P.	8
UCSA - Poss. With Intent Distribute P.C.P.	7
UCSA - Distribution P.C.P.	9
UCSA - Poss. With Intent Distribute Cocaine	1
UCSA - Distribution Cocaine	1
UCSA - Possession Heroin.	1
UCSA - Poss. With Intent Distribute Heroin.	1
UCSA - Distribution Heroin.	2
UCSA - Poss. With Intent Distribute Dilaudid.	1

Total Charges = 55

Persons Arrested = 40

March 1984	
UCSA - Possession Marihuana	15
UCSA - Distribution Marihuana	9
UCSA - Poss. With Intent Distribute Marihuana	6
UCSA - Possession P.C.P.	7
UCSA - Distribution P.C.P.	3
UCSA - Poss. With Intent Distribute P.C.P.	10
UCSA - Possession Cocaine	1
UCSA - Possession Heroin.	1
UCSA - Distribution Heroin.	1
UCSA - Distribution Dilaudid.	1
UCSA - Possession Preludin.	1
UCSA - Distribution Preludin.	1

Total Charges = 56

Persons Arrested = 45

April 1984	No. of Charges
UCSA - Possession Marihuana	18
UCSA - Distribution Marihuana	8
UCSA - Poss. With Intent Distribute Marihuana	15
UCSA - Possession P.C.P.	7
UCSA - Distribution P.C.P.	11
UCSA - Poss. With Intent Distribute P.C.P.	13
UCSA - Possession Cocaine	2
UCSA - Distribution Heroin	3
UCSA - Poss. With Intent Distribute Heroin	2
UCSA - Distribution Preludin	1
UCSA - Poss. Wtih Intent Distribute Preludin	1
UCSA - Possession Valium	1
UCSA - Possession Drug Paraphernalia	1
Total Charges =	71
Persons Arrested =	62

May 1984	
UCSA - Possession Marihuana	18
UCSA - Distribution Marihuana	8
UCSA - Poss. With Intent Distribute	10
UCSA - Possession P.C.P.	11
UCSA - Distribution P.C.P.	13
UCSA - Poss. With Intent Distribute P.C.P.	13
UCSA - Possession Cocaine	1
UCSA - Distribution Cocaine	1
UCSA - Distribution Heroin	2
UCSA - Possession Valium	1
Total Charges =	68
Persons Arrested =	57

June 1984		1983 Comparison
UCSA - Possession Marihuana	15	5 = plus 10
UCSA - Distribution Marihuana	4	6 = minus 2
UCSA - Poss. With Intent Distribute Marihuana	10	3 = plus 7
UCSA - Possession P.C.P.	6	1 = plus 5
UCSA - Distribution P.C.P.	10	5 = plus 5
UCSA - Poss. With Intent Distribute P.C.P.	9	0 = plus 9
UCSA - Distribution Cocaine	3	1 = plus 2
UCSA - Poss. With Intent Distribute Cocaine	2	1 = plus 1
UCSA - Possession Preludin	1	0 = plus 1
UCSA - Poss. With Intent Distribute Heroin	0	1 = minus 1
Total Charges =	61	23 = plus 38
Persons Arrested =	46	20 = plus 26

July 1984		
UCSA - Possession Marihuana	19	9 = plus 10
UCSA - Distribution Marihuana	5	3 = plus 2
UCSA - Poss. With Intent Distribute Marihuana	5	3 = plus 2
UCSA - Possession P.C.P.	13	2 = plus 11
UCSA - Distribution P.C.P.	12	5 = plus 7
UCSA - Poss. With Intent Distribute P.C.P.	9	1 = plus 8
UCSA - Poss. With Intent Distribute Cocaine	2	0 = plus 2
UCSA - Distribution Preludin	1	1 = equal
UCSA - Poss. With Intent Distribute Preludin	1	0 = plus 1
Total Charges =	67	24 = plus 43
Persons Arrested =	47	24 = plus 23

August 1984	No. of Charges	1983 Comparison
UCSA - Possession Marihuana	9	4 = plus 5
UCSA - Poss. With Intent Distribute Marihuana	6	3 = plus 3
UCSA - Distribution Marihuana	5	2 = plus 3
UCSA - Possession P.C.P.	10	4 = plus 6
UCSA - Poss. With Intent Distribute P.C.P.	14	4 = plus 10
UCSA - Distribution P.C.P.	16	0 = plus 16
UCSA - Possession Cocaine	2	0 = plus 2
UCSA - Poss. With Intent Distribute Cocaine	3	0 = plus 3
UCSA - Distribution Cocaine	2	0 = plus 2
UCSA - Possession Heroin	1	0 = plus 1
UCSA - Distribution Heroin	1	0 = plus 1
UCSA - Distribution Preludin	0	1 = minus 1
Total Charges =	69	18 = plus 51
Persons Arrested =	55	15 = plus 40

PCP TRAFFICKING AND USE

Inspector COLIGAN. Also, important about the PCP seller, they often exhibit violent and unpredictable behavior when arrested. Competition among PCP traffickers is fierce and several homicides have been related to struggles for the control of sales at various locations.

Formation of a drug habit by an abuser progresses to a point where his normal financial resources cannot support his habit. The abuser must then depend on money from his family or his friends, or resort to an assortment of various crimes to support his habit.

In my opinion, drug trafficking represents the most serious crime problem facing America today. Drugs have wreaked havoc on our communities and our lives. Drugs create the addicts who then, in support of their drug habit, assault, rob, and burglarize.

One study demonstrated that over an 11-year period some 243 addicts committed about one-half million crimes, an average of 2,000 crimes each, or a crime every other day. Reportedly, half of all jail and prison inmates regularly used drugs before committing their offenses.

STREET SALES OF ILLICIT DRUGS

Because of the enormous market for illicit drugs, drug trafficking has become very lucrative. In 1980, illicit drug sales were estimated to total more than $79 billion, an increase of about 50 percent from 1977, tax free.

Senator SPECTER. What is the basis of that figure? That is a higher figure than I have heard before.

Inspector COLIGAN. The most recent data was for, I believe, 1983.

Mr. DIGENOVA. That is correct.

Senator SPECTER. Who puts that figure on?

Mr. DIGENOVA. Mr. Chairman, perhaps I can help with that.

That was a figure developed by the Drug Enforcement Administration; the $79 billion is the total number of estimated street sales in the United States.

For example, in one of the statistics that was broken down for cocaine by DEA, the estimated street sales of cocaine were $33 billion this year, and when you consider that the total retail sales of the cigarette industry were only $22 billion, that gives you some idea of the extent of the problem. And also it appears that marijuana may be becoming our first or second largest cash crop.

Senator SPECTER. Is marijuana a figure within the $79 billion?

Mr. DIGENOVA. Yes; it is.

Inspector COLIGAN. Yes, sir.

Mr. DIGENOVA. That includes all illicit drugs to my understanding.

Inspector COLIGAN. It was pointed out that only Exxon grosses more.

Senator Specter. Well, the problem is overwhelming. Do you have some more testimony?

ENFORCEMENT MEASURES TO COMBAT DRUGS

Inspector COLIGAN. I have, Mr. Chairman, about two pages dealing with the enforcement measures that we have taken in an attempt to combat it.

Senator SPECTER. Please proceed.

Inspector COLIGAN. Our enforcement measures to combat the drug problem are multiphased and, in this day of dwindling resources, place a great demand on manpower and supportive equipment.

One of our most effective enforcement programs is a Drug Enforcement Administration and Metropolitan Police Department Joint Task Force, established for the purpose of cooperating in the investigation, institution, and prosecution of cases involving major drug violators and stemming the flow of drugs into the District of Columbia, as well as dealing with illicit drug traffickers who know no local or State boundaries. This joint program greatly enhances law enforcement efforts in the areas of sufficient confidential funds, frequent rotation of undercover officers, necessary multijurisdictional arrest powers, and coordinated regional approaches to drug enforcement.

In addition, locally, each of our seven police districts apply their drug enforcement efforts through their vice units and primarily enforce obvious street deals.

The morals division investigates those persons identified as having a more significant role in drug trafficking than street dealers. The morals division implements special investigative procedures such as the use of informants, surveillance operations, conspiracy investigations, diversion cases, and clandestine laboratories. Also, established within the morals division is a pharmaceutical drug diversion investigative unit, established to primarily eliminate or significantly reduce the illegal diversion of drugs by health professionals licensed by the District of Columbia to dispense, prescribe, administer, or handle controlled drugs. This is one area of drug trafficking which has been significantly reduced.

As previously mentioned, Dilaudid and Preludin are the pharmaceutical drugs most often diverted into the illicit market. Arrests for drug violations involving Dilaudid has decreased from 338 in fiscal year 1982 to 126 thus far in 1984, and arrests for Preludin violations has decreased from 1,331 in 1982 to 695 thus far in 1984.

ESTABLISHMENT OF NARCOTIC TASK FORCE

When Chief Maurice Turner assumed office on July 1, 1981, one of the first acts was to establish a narcotic task force whose objective was to attack the street level sales of illicit drugs. Since its inception, the narcotic task force has arrested 7,543 people for either sale or possession of illicit drugs, seized over $383,000 from drug dealers, 167 handguns, 24 shotguns and rifles, and 28 vehicles. Among those arrested were 73 people wanted in other jurisdictions as fugitives from justice.

Through these enforcement measures, we apply pressure at all levels of the local illicit drugs.

PREVENTION THROUGH EDUCATION

However, Mr. Chairman, these enforcement efforts alone are not enough to curtail the drug epidemic. We must have prevention through education of the young. We have to reach out to the young, through a viable education program, who are not yet introduced into drugs, and those youth who we find introduced into drugs we must divert from drug abuse into more meaningful fields.

Marijuana, cocaine, or the opium poppy, none of these drugs grows at 14th and U Streets or Martin Luther King and Talbert Streets. These are all brought in from outside the country, however they create great problems for our city. We have to rely on the Federal Government to do more to escalate efforts in dealing with the source countries and to eliminate these types of crops.

Thank you.

Senator SPECTER. Well, thank you very much, gentlemen. You have put in a nutshell the problems with the statistics that you have come forward with, and perhaps Inspector Coligan summarized it best when he cited the 243 offenders committed one-half million crimes, or 500,000 crimes by 243 individuals, and you all characterize it as an epidemic.

What do we do next? Where do we go from here?

I would like to ask one last final question of each of you: What is your recommendation?

RECOMMENDATIONS OF JUDGE UGAST

Judge Ugast, what all have you done in trying to cope with this massive problem?

Judge UGAST. I think it has to be attacked from all sides. I think the District needs to reach out to try to find those people who are potentially on the verge of being deeply involved in drugs before they become addicts, to try to start a program that is something similar to those that were initiated back in 1973.

As I understand it, the overdose deaths today indicate that those people are about 10 years older and that there is some indication that maybe some of the same people who were deeply involved in the drug culture 10 years ago, with the increase of the drug availability, are back in it.

Senator SPECTER. You say overdose starts with children at the age of 10?

Judge UGAST. I think we are beginning to see that now. I do not think that we saw that before.

I think we need programs, we need a great deal of help in support of the programs, particularly with some types of residential programs. I think that would be tremendous.

We see these people come in, but what can we do in terms of release conditions?

It may not be a question of flight, but, because of their addiction and their situation, they need a structured environment.

We need help in that area as well as we need residential programs to start with when we sentence people in connection with this type of offense if there is any hope of their not returning to the street.

From our own standpoint, with the courts, we hope to address the backlog and the numbers with the additional judges and with our programs to move those cases more quickly.

But I think that the drug problem has to be attacked from all sides. It is frustrating with respect to the lack of programs available for treatment and for residential programs.

RECOMMENDATIONS OF MR. DI GENOVA

Senator SPECTER. Mr. diGenova, what are your thoughts on how to cope with this problem?

Mr. DIGENOVA. Well, Mr. Chairman, I am beset by this array of problems associated specifically with PCP, and not even addressing the question of cocaine and heroin, which are very, very serious and pose, according to Inspector Coligan's statistics, increasing arrests and prosecution problems for us.

Looking at this as a prosecutor, I frequently talk about this with community groups and say to them, you must not expect the criminal justice system to do everything. We unfortunately are at the back end of the fuel cycle, as they say in the nuclear industry. We get something after it is a problem. We have a prosecution we have to go through, and it comes to us in very vivid terms.

As I sit here next to Chris Coligan, who I work with on a daily basis, one of the things that comes to mind is the threat to the lives of the men and women of the police force who function out there every day now as result of PCP.

Let me just give you an example. Between January and July 1983, there were five police shootings. In other words, officers had to shoot someone to defend themselves in the line of duty and kill those individuals. PCP was present in the blood of none of those five people between January and July.

From August 1983 until June, when we did some statistics, of the 10 people who had been killed by police officers in a shooting, 6 of them had PCP in their bloodstreams.

We have had cases come into the office where children have been molested, where police officers have been severely assaulted, where unwitting citizens have been severely brutalized by people who subsequently were found to be on PCP.

It seems to me that Judge Ugast is absolutely correct, that there is a problem of such vast proportions that it involves just not concern for the processing of cases, or successfully prosecuting individuals for distribution or possession, but there are community concerns here. There are concerns that go to the heart of what a community is about: schools, churches, families, social institutions have got to be aware of what is happening to the people around them. They have to intervene. They have to be aggressive in recognizing the problem, so that it can be prevented from becoming something that I have to deal with, either in terms of reviewing a police shooting because someone has died as a result of this, or someone has committed a crime and assaulted someone else and is still alive but has been on PCP.

What needs to be done, obviously, are more resources in treatment, more resources in law enforcement prosecution and in the judicial area, but also something that money cannot buy, and that is concern, concern and interest from citizens, from families, from churches, from schools, from social institutions—everything that you and I could possibly conceive of that is on that barometer or social order has got to be attuned to what is happening out there.

It is a grave problem. It is pandemic.

You talk about epidemic; it is pandemic, and the statistics that Chris and the judge and I have laid out are, unfortunately, a very eloquent testimony. We cannot do as much as we would like to prevent the problem. We do not get a chance to do that. That is not our job. But it is clear to me that a lot of other people who have a chance to, need to, and we need more programs like RAP, Inc., which has taken this problem on frontally, but they can only do so much. And there are other programs through the city such as ADASA. The city is making a major effort to deal with this problem. They should not be in any way viewed as not having made an effort; the city is making a tremendous effort at this time to deal with this problem. But there is some time lag in dealing with it, and I think that what we all need to do is to join hands and make an effort to make sure that the problem gets solved.

RECOMMENDATIONS OF INSPECTOR COLIGAN

Senator Specter. Inspector Coligan, do you have anything you care to add?

Inspector Coligan. Yes, sir.

On a Federal level, the U.S. Government must encourage certain foreign governments of producing countries to have appropriate programs thereby reducing production of illegal drugs at the source.

We must be able to seize assets, develop better intelligence activities, soliciting support from the governments of the producing countries.

We most work diligently for the highest possible rate of conviction for drug traffickers and ultimate destruction of the criminal level organization. This includes the expanded use of military resources under revised provisions. Coordination and full cooperation among the Federal, State, and local law enforcement agencies are essential to any effort directed at the importation, manufacture, distribution, or sale of illegal drugs within the United States.

Arrests, conviction and investigation, effective prosecution, stiff prison sentences are all central to reducing the supply of illicit drugs.

The community in aiding law enforcement must refuse to participate in the purchase of a drug. So long as demand for drugs remains high in the community, the dealers will attempt to sell the merchandise.

The community must decrease its demand. The community must shoulder some of the responsibility and must support the effort of law enforcement and joint community programs. They must reach out to their neighbors, PTA's, civic groups, organize programs which encourage people to provide information, anonymously if necessary, to report the observance of suspicious activities. Examples of the type of organization that we are talking about are Crime Solvers, the Neighborhood Watch Programs now in place in the District, which have become very effective in helping us to reduce our crime rate.

An enlightened public, willing to become involved in community problems, and supportive of efforts of the local law enforcement, can better protect itself and help bring this country's drug abuse and crime problems under control.

Senator SPECTER. Thank you very much. That is very much appreciated.

Now I would like to move to Panel II to Dr. Lonnie Mitchell, Dr. James Guines, Mary Kidd, and Phillip, a former PCP user.

PANEL II—EXECUTIVE BRANCH AGENCIES

STATEMENTS OF:

DR. LONNIE E. MITCHELL, ADMINISTRATOR, ALCOHOL AND DRUG ABUSE SERVICES ADMINISTRATION

DR. ANDREW D. McBRIDE, COMMISSIONER, COMMISSION OF PUBLIC HEALTH

DR. JAMES GUINES, ASSOCIATE SUPERINTENDENT FOR INSTRUCTION, D.C. PUBLIC SCHOOLS

MARY KIDD, EXECUTIVE DIRECTOR, WASHINGTON AREA COUNCIL ON ALCOHOLISM AND DRUG ABUSE

PHILLIP, FORMER PCP USER

INTRODUCTION OF COMMISSIONER MC BRIDE

Senator SPECTER. Thank you very much for coming.

We welcome you here.

Your prepared testimony will be made a part of the record, and the extent to which you can summarize it, I would appreciate that.

Dr. MITCHELL. I am Dr. Lonnie Mitchell, and I am the current Administrator of the Alcohol and Drug Abuse Services Administration.

Dr. McBride, the new Commissioner of the Commission of Public Health, will give the principal testimony.

Senator SPECTER. Fine.

We welcome you here, Commissioner McBride. Thank you for joining us. We look forward to your testimony.

Commissioner McBRIDE. Thank you.

I welcome the opportunity to testify this morning. I am pleased to be given an opportunity to present what our plans are with regard to drugs and alcohol.

It is very encouraging—both encouraging and discouraging this morning to hear testimony previously given in that the scope of the problem has been very well defined by Judge Ugast and others.

Senator SPECTER. Commissioner McBride, have you submitted your written testimony to the committee?

Commissioner McBRIDE. No.

Senator SPECTER. Would you do that, please?

Commissioner McBRIDE. Yes.

Senator SPECTER. Do you have copies?

Commissioner McBRIDE. Yes; we will submit it.

Senator SPECTER. Do you have copies for the committee now?

Commissioner McBRIDE. Yes.

Senator SPECTER. May I have it, please?

Commissioner McBRIDE. Yes.

Senator SPECTER. Is that your only copy?

Commissioner McBRIDE. No; there is another one.

PREPARED STATEMENT

Senator SPECTER. Commissioner McBride, your full testimony will be made a part of the record.

The reason I asked you for a copy, we like to have it in advance so we have access to it, so that we know the parameters of what you will testify to. But to repeat, the full testimony will be made a part of the record. The extent you can summarize it I would appreciate.

[The statement follows:]

STATEMENT OF DR. LONNIE E. MITCHELL

GOOD MORNING MR. CHAIRPERSON AND OTHER MEMBERS OF THE COMMITTEE. I AM DR. LONNIE E. MITCHELL, THE RECENTLY APPOINTED ADMINISTRATOR OF THE CITY'S ALCOHOL AND DRUG ABUSE SERVICES ADMINISTRATION REPRESENTING THE EXECUTIVE BRANCH AGENCIES. FIRST, IN THIS CAPACITY, I AM PLEASED TO SPEAK TO YOU TODAY ON THE SPECIAL PROBLEMS OF DRUG ABUSE IN THE CITY. SECOND, THIS GIVES ME THE OPPORTUNITY TO SHARE WITH YOU WHAT WE ARE CURRENTLY DOING AND SOME OF THE PLANS FOR A REVISED APPROACH FOR DEALING WITH THE PROBLEMS AND EXPANDING OUR CAPACITIES. IN THAT SPIRIT, THEN, I AM VERY DELIGHTED TO REPRESENT OUR PROGRAMS.

LET ME BEGIN BY STATING THAT THE BARRY ADMINISTRATION'S OVERRIDING PHILOSOPHY IS THAT SUBSTANCE ABUSE OF ANY KIND IN THE CITY REPRESENTS AND REFLECTS A SERIOUS BEHAVIORAL DYSFUNCTION AND RESIDENTS WITH SUBSTANCE ABUSE PROBLEMS WILL BE GIVEN AN OPTION TO BE TREATED. WE BELIEVE THAT IT MAKES BETTER SENSE TO TRY TO PREVENT SUBSTANCE ABUSE PROBLEMS BEFORE THEY BEGIN. TO THAT END, WHILE WE ARE INVOLVED IN A MAJOR TREATMENT AND INTERVENTION EFFORT, WE BELIEVE OUR FOCUS MUST BE ON PREVENTION INITIATIVE - AND WITH PARTICULAR ATTENTION TO YOUTH.

ALL OF THE MAJOR STATISTICAL INDICATORS CLEARLY SHOW THAT ALCOHOL AND DRUG ABUSE ARE MAJOR PUBLIC HEALTH PROBLEMS FACING THE CITY, AND THESE PROBLEMS SERIOUSLY IMPACT ON ALL OF THE CITY'S RESIDENTS. ALTHOUGH THE STATISTICAL DATA ON THE INCIDENCE AND PREVALENCE OF ABUSE ARE COMPELLING, THEY FAIL TO ADEQUATELY CONVEY THE PAIN AND SUFFERING THAT AFFECT THOUSANDS OF THE DISTRICT'S CITIZENS.

AS YOU PROBABLY KNOW, DRUG ABUSE IS AN INSIDIOUS PROBLEM THAT ALL TOO FREQUENTLY GOES UNIDENTIFIED AND THEREFORE UNTREATED UNTIL THE PROBLEM REACHES ITS MOST CHRONIC STAGES. IT IS FOR THIS REASON THAT YOU WILL NOTE THAT MOST OF THE DATA AVAILABLE ARE LIMITED TO ADULTS AND IT IS ALSO FOR THIS REASON THAT WE ARE TRYING TO REACH OUT TO YOUNG PEOPLE WITH EDUCATIONAL PROGRAMS. HOWEVER, YOU MUST REMEMBER THAT THE DRUG ABUSE BEHAVIOR OF TODAY'S ADULTS ARE OFTEN A REFLECTION OF THE DRUG ABUSING BEHAVIOR OF YESTERDAY'S YOUTH.

USING AS OUR DATA BASE THE LONG ESTABLISHED AND NATIONALLY TESTED PROCEDURES SUCH AS THE DRUG ABUSE WARNING NETWORK (DAWN), THE CLIENT ORIENTED DATA ACQUISITION PROCESS (CODAP), AND OUR CENTRAL INTAKE DIVISION, AND OTHER RECOGNIZED FORMULAE FOR ASSESSING THE PROBLEM, THE AVAILABLE DATA INDICATE THAT THERE ARE APPOXIMATELY 87,959 PERSONS WITH ALCOHOLIC PROBLEMS IN THE DISTRICT AND APPROXIMATELY 12,350 HEROIN ADDICTS. IT IS DIFFICULT TO KNOW EXACTLY HOW MANY POLYDRUG OR MIXED DRUG USERS THERE ARE. IN THE LAST FIVE YEARS, THE CITY HAS EXPERIENCED 1,177 DEATHS ATTRIBUTABLE TO CIRRHOSIS OF THE LIVER, A LEADING INDICATOR OF ALCOHOL ABUSE, AND 388 DEATHS ATTRIBUTABLE TO NARCOTIC RELATED OVERDOSES. THESE REPRESENT A RELATIVELY SMALL FRACTION OF THE CITY'S PROBLEM WHEN WE CONSIDER THE BROADER IMPLICATION. WE KNOW THAT ALCOHOL AND DRUG ABUSE INVOLVE SIGNIFICANT LINKAGES TO CRIME, SUICIDE, HOMICIDE, ACCIDENTAL DEATH AND INJURY, CHRONIC DISEASE, FAMILY DISTRESS AND LOWERED PRODUCTIVITY. MOREOVER, PERSONAL TRAGEDY, HUMAN SUFFERING AND SOCIAL BURDENS ARE CLOSELY RELATED TO SUBSTANCE ABUSE AND THESE COST CANNOT BE ADEQUATELY ESTIMATED.

TREATMENT ADMISSIONS TO THE ALCOHOL AND DRUG ABUSE SERVICES ADMINISTRATION PROGRAMS FOR 1983 WERE 2,734 IN DRUGS ALONE. THE MONTHLY AVERAGE OF NEW ADMISSIONS IS ABOUT 100. THE MONTHLY PATIENT POPULATION FOR THE ALCOHOL AND DRUG ABUSE SERVICES ADMINISTRATION FOR THE YEAR 1983 WAS 2,199. THE PATIENT PROFILE AT THE ALCOHOL AND DRUG ABUSE SERVICES ADMINISTRATION IS: 67% MALE, 33% FEMALE, 90% BLACK, AND THE AVERAGE AGE IS 30 YEARS OLD. THERE IS A VERY SMALL PERCENTAGE OF 19 YEAR OLDS AND UNDER WHO SEEK TREATMENT. WE ADMITTED 89 SUCH PERSONS LAST YEAR.

THE YOUTH DRUG ABUSER IN GENERAL IS A HIDDEN POPULATION TO THE TREATMENT PROGRAMS UNTIL THE PROBLEM IS OF AN ACUTE STAGE. THEREFORE, IT IS ESSENTIAL TO REACH YOUTH THROUGH INTERVENTION AND PREVENTION EFFORTS TO DECREASE THE NEED FOR ACUTE TREATMENT, CURBING THE CYCLE OF TODAY'S YOUTH BECOMING TOMORROW'S ADULT IN TREATMENT. THE DRUGS OF CHOICE FOR YOUTH REMAIN MARIJUANA AND PCP, WITH HEROIN AND COCAINE FAR BEHIND.

OUR PHILOSOPHY IS THAT WE WILL PROVIDE HIGH QUALITY CARE FOR ANY CLIENT WHO SEEKS IT AND WE ARE MAKING PROVISIONS TO THAT END. I WOULD LIKE TO COMMENT ON THE PCP PROBLEM IN THE DISTRICT OF COLUMBIA. A BRIEF PAPER ON BACKGROUND INFORMATION AND A STATEMENT ON THE INCIDENCE AND PREVALENCE OF THE PCP PROBLEM IN WASHINGTON, D.C. ARE ATTACHED.

I WOULD NOW LIKE TO SHARE WITH YOU WHAT WE ARE CURRENTLY DOING AND OUR PLANS FOR TAKING IMMEDIATE STEPS TO EXPAND THESE EFFORTS.

WE HAVE A TOTAL OF 23 PROGRAMS PROVIDING LARGELY TREATMENT AND INTERVENTION SERVICES ACROSS THE CITY. OUR CURRENT PROGRAMS INCLUDE TEN PRIVATE CONTRACTS, PROVIDING SERVICES FOR AN AVERAGE OF 1,100 PERSONS EACH MONTH AND 13 PROGRAMS OPERATED BY THE ALCOHOL AND DRUG ABUSE SERVICES ADMINISTRATION, PROVIDING A VARIETY OF INPATIENT AND OUTPATIENT CARE TO AN AVERAGE OF 2,300 PERSONS PER MONTH.

IN ANY GIVEN MONTH, WE ARE SEEING APPROXIMATELY 3,400 PERSONS FOR TREATMENT AND INTERVENTION ALONE. THESE ARE LARGELY TREATMENT PROGRAMS FUNDED BY THE CITY AND INCLUDE THE FOLLOWING: WHITMAN-WALKER (ALCOHOL COUNSELING FOR GAYS), ANDROMEDA (FOR HISPANICS - YOUTH, ADULTS) S.O.M.E. (OUTPATIENT DAY CARE SERVICES FOR ALCOHOLICS), STEPPING STONES, INC. (ALCOHOL COUNSELING TO INMATES), RAP, INC. (RESIDENTIAL DRUG ABUSE SERVICES), SECOND GENESIS, (A DRUG FREE PROGRAM), WACADA HOT LINE, BUREAU OF REHABILITATION (OUTPATIENT SERVICES TO CRIMINAL JUSTICE DRUG ABUSERS, AND OUTPATIENT DAY CARE SERVICES FOR DRUG ABUSERS, SENAB, INC. (OUTPATIENT DRUG TREATMENT), PARKLAND, INC. (SUBSTANCE ABUSE PREVENTION SERVICES TO HIGH-RISK YOUTH), COMMUNITY RESEARCH, INC. (SUBSTANCE ABUSE PREVENTION SERVICES TO HIGH-RISK YOUTH), ADAMS MILL ROAD ALCOHOLISM CLINIC (OUTPATIENT ALCOHOL SERVICES), YOUTH ABSTINENCE CLINIC (OUTPATIENT DRUG TREATMENT/PREVENTION), SHACK CLINIC (OUTPATIENT DRUG TREATMENT), TRAIN I CLINIC (OUTPATIENT DRUG TREATMENT), CENTRAL INTAKE DIVISION (INTAKE SERVICES), TRUST CLINIC (OUTPATIENT DRUG TREATMENT), MARY E. HERRING HOME (INPATIENT ALCOHOL PROGRAM), CEASED CLINIC (OUTPATIENT DRUG TREATMENT), ALCOHOL DETOXIFICATION (INPATIENT ALCOHOL DETOX, RCA - KARRICK HALL (ALCOHOL PROGRAM), DAY ALCOHOL PROGRAM--DAP (DAY CARE ALCOHOL SERVICES), WOMEN'S SERVICES CLINIC (OUTPATIENT DRUG TREATMENT), TRAIN II CLINIC (OUTPATIENT DRUG TREATMENT). IN ALCOHOL TREATMENT WE PROVIDED 14,000 INPATIENT, 10,000 OUTPATIENT, AND 1,700 RESIDENTIAL PATIENTS VISITS.

IN ADDITION TO THESE PROGRAMS, WE PROVIDE EDUCATIONAL AND PREVENTION SERVICES TO A WIDE RANGE OF YOUTH ORGANIZATIONS AND GROUPS SERVING YOUTH. THEY INCLUDE PUBLIC SCHOOLS, WHERE DRUG EDUCATION CLASSES, SUBSTANCE ABUSE TEACHER TRAINING, PREVENTIUON TECHNIQUES AND STRATEGIES, AND DRUG AWARENESS

EVENTS ARE PROVIDED. THE EXPERIENCES VARY FROM A ONE-ON-ONE COUNSELING TO PRESENTATIONS ON AWARENESS ASSEMBLIES OF 700-900 STUDENTS.

WE PROVIDE SERVICES TO YOUTH GROUP HOMES AND THE SOUTH WEST NEIGHBORHOOD HOUSE.

THE ALCOHOL AND DRUG ABUSE SERVICES ADMINISTRATION PROVIDES SERVICES TO YOUTH OF THE D.C. CORRECTIONAL INSTITUTIONS. THESE INCLUDE CEDAR KNOLL SCHOOL, OAK HILL SCHOOL, D.C. RECEIVING HOME, LORTON YOUTH CENTERS I AND II. FIFTY RESIDENTS ARE SEEN AT LORTON EACH WEEK.

THERE ARE MANY OTHER CITY-WIDE AND YOUTH-RELATED PROGRAMS SERVED BY THE ALCOHOL AND DRUG ABUSE SERVICES ADMINISTRATION. AGAIN, THE LIST IS VERY LONG AND I CAN DEVELOP A COPY FOR YOU, BUT I WOULD LIKE TO INDICATE A FEW OF THESE. THEY ARE: COMMUNITY CENTER, COLUMBIA PARK: COLUMBIA HEIGHTS BOYS AND GIRLS CLUB, EASTERN BOYS AND GIRLS CLUB, D.C. STREET ACADEMY, CATHOLIC YOUTH ORGANIZATION, CITADEL INC., BOYS AND GIRLS CLUB, METROPOLITAN POLICE DEPARTMENT, BLAINE STREET COMMUNITY, TO NAME A FEW. THE DRUG ABUSE MOBILE SERVED 50,000 YOUTH LAST YEAR.

LET US BE THE FIRST TO RECOGNIZE THAT PERHAPS BETTER AND GREATER EFFORTS ARE NEEDED. I WISH FIRST, TO NOW TELL YOU WHAT OUR IMMEDIATE PLANS CALL FOR. WE WILL COMPLETE A COMPREHENSIVE FIVE YEAR PLAN IN ABOUT 60 DAYS IN WHICH WE ADDRESS MORE COMPLETELY MANY (YOUTH) NEEDS. THE FIRST DRAFT IS COMPLETED. SECOND, A SPECIAL "COMMUNITY INITIATIVE" HAS JUST GOTTEN UNDERWAY WHERE REPRESENTATIVES FROM ALL FACETS OF THE COMMUNITY WILL COME TOGETHER TO DESIGN YOUTH STRATEGIES TO BE CARRIED OUT ON A WARD-BY-WARD BASIS. INITIAL WORKSHOPS HAVE BEEN HELD WHERE PRELIMINARY STRATEGIES WERE IDENTIFIED. I WOULD LIKE TO TAKE THIS OPPORTUNITY TO INVITE ANY YOUTH OR CITIZENS GROUP TO BECOME INVOLVED WITH US AND MAKE THIS A PARTNERSHIP.

A SIGNIFICANT PART OF THIS INITIATIVE IS TO WORK CLOSELY WITH THE CHURCHES, SCHOOLS, COLLEGES, PARENT AND YOUTH GROUPS AND ASSIST THEM IN PLANNING YOUTH PREVENTION PROGRAMS THAT MIGHT BE FUNDED BY PRIVATE FOUNDATIONS. WE MUST ENABLE THESE INSTITUTIONS AND GROUPS TO MOVE FROM A DEPENDENT RELATIONSHIP ON DISTRICT GOVERNMENT RESOURCES TO A MORE SELF-SUFFICIENT POSTURE.

THIRD, WE WILL DESIGN WITH THE WARD TASK GROUPS A CITY-WIDE CONFERENCE TO INVOLVE THE MAJOR YOUTH GROUPS OF THE CITY. THE DATE FOR THE CONFERENCE

HAS NOT BEEN SET. FOURTH, A DRUG DETOXIFICATION UNIT, 10 BED CAPACITY AT D.C. GENERAL GROUNDS WILL OPEN IN NOVEMBER. FOURTH WE OPENED KARRICK HALL, A 135 BED FACILITY FOR SUBSTANCE ABUSERS - MARCH 19, 1984, D.C. GENERAL GROUNDS. FIFTH, WE OPENED THE AREA D ALCOHOL AND DRUG TREATMENT PROGRAMS - AN 89 BED FACILITY: 60 FOR ALCOHOL AND 29 DRUG FREE, APRIL 1, 1984 AT ST. ELIZABETHS. SIXTH, WE WILL OPEN A MAJOR FACILITY AT 1300 FIRST, N.E. SOMETIME IN NOVEMBER OF THIS YEAR. I MUST NOTE TO YOU THAT THE MAYOR'S ADVISORY COMMITTEES ON DRUG ABUSE AND ALCOHOLISM HAVE REVIEWED THE ISSUE OF YOUTH AND DRUGS AND WITH US ARE FORMULATING RECOMMENDATIONS THAT INCLUDE THE CRIMINAL JUSTICE COURT SYSTEMS. THIS WILL LEAD US TO THE DESIGN AND IMPLEMENTATION OF A COMPREHENSIVE YOUTH TREATMENT PROGRAM SO WE CAN BETTER ACCOMMODATE THE TREATMENT NEEDS OF OUR YOUNG PEOPLE, SHOULD THEY PRESENT THEMSELVES FOR TREATMENT.

OUR PLANS CALL FOR THE ACQUISITION OF BETTER FACILITIES AND ENHANCING THE QUALITY OF TREATMENT SO THAT OUR CLIENTS CAN MOVE MORE TOWARD SELF-SUFFICIENCY.

FOR THE RECORD, THEN, I WOULD LIKE TO SUBMIT A COMPLETE LISTING OF THE AGENCIES, GROUPS,A ND SERVICES THAT WE PROVIDE. AGAIN, OUR NEW DIRECTION IS QUALITY SERVICE TO TOUR PEOPLE. I WISH TO THANK YOU AGAIN FOR THIS OPPORTUNITY.

STATEMENT OF COMMISSIONER MC BRIDE

Commissioner McBride. Let me begin by saying that the Barry administration's overriding philosophy is that substance abuse of any kind in the city represents a very serious behavioral problem. We believe it makes better sense to prevent substance abuse before it begins.

We believe our focus must be more on prevention issues, with special attention to the future.

All of the major statistical indicators clearly show that alcohol and drug abuse are major public health problems facing the District, and these problems seriously impact on all the District's residents. Although the statistical data on the incidence and prevalence of abuse are compelling, they fail to adequately convey the pain and suffering that affect thousands of the District's citizens.

As you know, drug abuse is a serious problem, and all too frequently goes unidentified and, therefore, untreated until it becomes acute.

It is for this reason that you will note that most of the data available are limited to adults. It is also for this reason that we are trying to reach out to our younger population with education programs.

EFFORTS TAKEN TO COMBAT SALE AND USE OF PCP

Senator SPECTER. Commissioner McBride, could you direct your attention to the subcommittee, what the city is now doing about the problem and what initial efforts you think are necessary?

Commissioner MCBRIDE. In response to your question as to what we should be doing, I would want to break it down into two major categories.

First, the overriding issue of phencyclidine (PCP). PCP represents, in my view, qualitatively a distinct problem of pandemic proportions. We have administered basically mainstream services directed toward alcohol, heroin, and cocaine use.

Senator SPECTER. What is the administration doing about PCP today?

Commissioner MCBRIDE. Today, as far as PCP is concerned, we have started in response to what is obviously an epidemic to reshift and reallocate our present resources.

Unfortunately, it involves robbing Peter to pay Paul, but nonetheless, the problem with PCP is large.

In our recently established program at St. Elizabeths, we presently are conducting activities to immediately identify beds that would be directed toward PCP use. They are in the facility called the Comprehensive Alcohol and Drug Abuse Center, located at St. Elizabeths, that has some 89 beds; 29 of those beds are identified for drug abuse use, including PCP.

Senator SPECTER. What further action do you think ought to be taken to try to cope with the problem of PCP in Washington, D.C.?

Commissioner MCBRIDE. I agree with the gentleman who said so eloquently that there should be a public debate to amass public and community concern around the PCP issue.

Toward that end, we would conduct conferences to provide the forum for both information sharing and getting back information from the community. We expect to go ward by ward to have forums and initiatives in that area.

In addition, you have to recognize that the PCP issue is also spilling over to other services such as mental health services. We have a crisis intervention unit in the mental health area which is designed to treat acute mental health illnesses, and it is being swamped by PCP patients. Some 80 percent of the people seen in the crisis intervention unit are indeed a result of PCP and toxicity. Toward that end, we are training and retooling mental health staff to deal with acute aspects of the PCP problem.

I think we have to go along two routes. You have to stress the preventive aspects, which involve early intervention particularly in the school systems, lectures, as well as ward-by-ward conferences.

In addition, we hope to heighten community awareness and support for this through a task force that will be established to amass various constituencies who indeed have this vital interest both within the providing community and within the health community.

STATEMENT OF DR. GUINES

Senator SPECTER. On the subject of education, let us turn to this point, Dr. Guines, associate superintendent for instruction, D.C. Public Schools.

We welcome you here, Dr. Guines, and look forward to your testimony.

We are particularly interested in what you would offer by way of amplification of what Commissioner McBride has said about the need for instruction and early intervention.

Dr. GUINES. Thank you, Senator.

First of all, I have submitted my statement to the committee.

PREPARED STATEMENT

Senator SPECTER. Yes; we appreciate that. It has been made a part of the record.

[The statement follows:]

STATEMENT OF DR. JAMES T. GUINES

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I AM PLEASED TO JOIN YOU HERE THIS MORNING TO DISCUSS THE VERY SERIOUS ISSUE OF SUBSTANCE ABUSE. A SCHOOL SYSTEM IS A REFLECTION OF THE COMMUNITY WHERE IT IS LOCATED. THEREFORE, SINCE WE KNOW THAT THERE IS DRUG AND ALCOHOL ABUSE IN THE LARGER COMMUNITY, IT IS INEVITABLE THAT IT WOULD ALSO BE PRESENT IN THE SCHOOLS. THEREFORE, THE D. C. PUBLIC SCHOOLS HAVE TAKEN ACTIONS TO TRY AND PREVENT DRUG USAGE AMONG STUDENTS, AND WHERE DISCOVERED WE HAVE MOVED TO IDENTIFY RESOURCES THAT CAN PROVIDE HELP.

I SHOULD SAY AT THE BEGINNING THAT A COMPLETE SOLUTION TO THE DRUG PROBLEM AMONG YOUTH AND ADULTS IS UNFORTUNATELY A LONG WAYS OFF. WE ARE AWARE OF THE FACT THAT DRUGS ARE SO FIRMLY ENTRENCHED IN OUR SOCIETY -- IN FACT, FROM MY PRESPECTIVE, I WOULD SAY THAT 90% OF OUR STUDENTS ARE EXPOSED TO THEM -- EVEN THOUGH THEY ARE NOT ALL INVOLVED IN ABUSING DRUGS. DRUG EXPERIMENTATION AND DRUG DEPENDENCY HAVE SPREAD AMONG ALL AGE, SOCIAL AND ECONOMIC GROUPS. MANY OF US HAVE WITNESSED THE TRAGIC AFTERMATH OF DRUG ABUSE.

ALTHOUGH, WE RECOGNIZE THAT THERE IS NO EASY SOLUTION TO THE DRUG PROBLEM, THE SCHOOLS CAN BE A DETERRENT. THAT IS WHY WE ARE GIVING INCREASED ATTENTION TO THE PROBLEM OF DRUGS IN THE SCHOOLS, AND DRUG ABUSE BY STUDENTS. PREVENTION THROUGH EDUCATION IS THE APPROACH TO SUBSTANCE ABUSE THAT WE TAKE IN THE SCHOOL SYSTEM. THE SCHOOL SYSTEM HAS ESTABLISHED A SUBSTANCE ABUSE PREVENTION EDUCATION (SAPE) PROGRAM THAT IS HELPING BOTH STAFF AND STUDENTS LEARN THE FACTS ABOUT THE "DRUG LIFE". SAPE HAS A DIRECTOR WHO IS RESPONSIBLE FOR THE INTEGRATION OF DRUG PREVENTION ACTIVITIES WITH OTHER ONGOING SCHOOL ACTIVITIES, INCLUDING OUR CURRICULUM. IN ADDITION, THE SCHOOL SYSTEM WILL SOON HAVE A DRUG EDUCATION CURRICULUM DEVELOPER. THE EFFORTS OF THE D. C. PUBLIC SCHOOLS TO PREVENT SUBSTANCE ABUSE BY ITS STUDENTS CAN BE BROKEN DOWN INTO THE FOLLOWING COMPONENTS.

STAFF DEVELOPMENT

O THE SUPERINTENDENT OF SCHOOLS RECOMMENDED AND THE BOARD OF EDUCATION HAS APPROVED A POLICY THAT ALL FULL-TIME, PERMANENT, PROBATIONARY, AND TEMPORARY EDUCATIONAL EMPLOYEES ARE REQUIRED TO COMPLETE A COURSE, WORKSHOP OR SEMINAR ON SUBSTANCE ABUSE BY

MARCH 31, 1987. THE SCHOOL SYSTEM'S OFFICE OF STAFF DEVELOPMENT NOW OFFERS A COURSE FOR GRADUATE CREDIT IN SUBSTANCE ABUSE PREVENTION, AND SINCE 1983 OVER 250 TEACHERS HAVE COMPLETED THE COURSE.

O WORKSHOPS ARE OFFERED FOR FACULTY AND STAFF AT INDIVIDUAL SCHOOL BUILDINGS UPON THE REQUEST OF THE PRINCIPAL.

O CONSULTANTS AND OTHER CITY AGENCIES ARE UTILIZED TO FOCUS RESOURCES ON PARTICULAR DRUG ABUSE PROBLEMS THAT MAY SURFACE.

O AN EXAMPLE OF THE AGENCIES THAT THE SCHOOLS WORK WITH INCLUDE: ALCOHOL DRUG ABUSE SERVICE ADMINISTRATION RAP, INC.; STEPPING STONES; WASHINGTON AREA COUNCIL ON ALCOHOLISM AND DRUG ABUSE; WASHINGTON COUNSELING CENTER; COMMUNITY ADVOCATES FOR YOUTH; YOUTH ABSTINENCE CENTER; ANDROMEDA, INC.; AND THE METROPOLITAN POLICE DEPARTMENT.

O IN ADDITION TO THE ABOVE AGENCIES PROVIDING STAFF RESOURCES AND MATERIALS TO THE SCHOOLS, STUDENTS AND PARENTS ARE MADE AWARE OF SERVICES OFFERED BY THESE AGENCIES.

STUDENT SERVICES

O THE D. C. PUBLIC SCHOOLS' PRIMARY APPROACH TO PREVENTION OF STUDENT SUBSTANCE ABUSE IS THROUGH AN EDUCATION PROGRAM DESIGNED FOR GRADES PRE-K THROUGH 12. THE CURRICULUM WHICH WAS UPDATED DURING THE SUMMER 1984 TO INCLUDE CURRENT INFORMATION, IS DESIGNED TO RECOGNIZE THE STUDENT AS A DECISION-MAKER WITH FREE CHOICE, WHOSE BEHAVIOR PATTERNS WILL BE INFLUENCED BY HIS/HER VALUE STRUCTURE. THE CURRICULUM UTILIZES OUTSIDE AGENCIES AND INCLUDES COGNITIVE AND EFFECTIVE COMPONENTS.

O ONE OF OUR MORE CREATIVE PREVENTION EFFORTS IS CALLED THE YOUTH AWARENSESS PROGRAM. THIS PROGRAM WHICH IS DONE IN COOPERATION WITH THE METROPOLITAN POLICE DEPARTMENT DOES NOT FOCUS ON SUBSTANCE ABUSE PER SE. ITS PURPOSE IS VALUES CLARIFICATION. 200 STUDENTS IN A GIVEN SCHOOL MEET SEVERAL TIMES A WEEK WITH THE SHORT BEAT OFFICER OPERATING IN THE SCHOOLS NEIGHBORHOOD AND WITH A STAFF MEMBER SELECTED BY THE PRINCIPAL. TOGETHER THEY COVER SUCH TOPICS AS CIGARETTE SMOKING, SEXUALITY, DRUGS, CAREER CHOICE AND THE JUVENILE JUSTICE SYSTEM. STUDENTS STAY IN THE PROGRAM FOR 15 WEEKS.

AT THE CONCLUSION THERE IS A GRADUATION CEREMONY AND THEY RECEIVE A CERTIFICATE AND A LAPEL PIN. THE IDEA IS THAT STUDENTS ARE GIVEN AN OPPORTUNITY IN THE FACE OF ACCURATE INFORMATION TO MAKE PERSONAL DECISIONS ABOUT THEIR LIVES. HOPEFULLY, EQUIPPED WITH THIS KNOWLEDGE THEY CAN HAVE A POSITIVE INFLUENCE ON THEIR PEERS AND FAMILY MEMBERS. THIS PROGRAM WAS INITIALLY PILOTED IN 4 SECONDARY SCHOOLS. THIS YEAR IT IS BEING EXPANDED TO EIGHT SCHOOLS - TWO SCHOOLS IN EACH OF OUR FOUR REGIONS WHICH COVERS ALL EIGHT CITY WARDS AND EACH POLICE DISTRICT.

O EACH SCHOOL BUILDING HAS, OR IS DEVELOPING, A SUBSTANCE ABUSE TEAM WHOSE PURPOSE IS TO PLAN AND CARRY OUT ACTIVITIES TO PREVENT SUBSTANCE ABUSE AND TO ESTABLISH A PROCESS FOR INTERVENTION AND REFERRAL. EACH TEAM IS TO BE COMPRISED OF FIVE PERSONS, INCLUDING AN ADMINISTRATOR, A COUNSELOR, AND A TEACHER.

O ALTHOUGH IT IS NOT DIRECTLY RELATED TO THE PREVENTION OF DRUG ABUSE AMONG STUDENTS, THE SCHOOL SYSTEM HAS RECENTLY ESTABLISHED AN EMPLOYEE ASSISTANCE PROGRAM DESIGNED TO PROVIDE COUNSELING AND HELP FOR EMPLOYEES WHO ARE EXPERIENCING PROBLEMS INCLUDING DRUG USAGE.

PREVENTION OF DRUG TRAFFIC

THE FINAL PRONG IN THE SCHOOL SYSTEM'S CURRENT EFFORTS TO THE PREVENT DRUG ABUSE IN THE SCHOOLS, IS AN EFFORT TO PREVENT THE AVAILABILITY OF DRUGS IN AND AROUND OUR BUILDINGS. THE D. C. PUBLIC SCHOOLS' SAFETY AND SECURITY OFFICERS WORK HAND-IN-HAND WITH THE METROPOLITAN POLICE DEPARTMENT AND COMMUNITY ORGANIZATIONS IN AN ATTEMPT TO PREVENT THE SALE OF DRUGS IN AND AROUND OF OUR BUILDINGS.

THIS EFFORT HAS ALSO INCLUDED PLACING TWO UNDERCOVER POLICE OFFICERS IN SCHOOLS WHERE HEAVY DRUG SALES WERE SUSPECTED.

AS I INDICATED AT THE OUTSET, DRUG ABUSE AMONG YOUTH IS A SERIOUS PROBLEM IN THE DISTRICT. THE SCHOOL SYSTEM IS EQUALLY SERIOUS IN ITS EFFORTS AT PROVIDING THE BEST INFORMATION AIMED AT PREVENTION THAT IS AVAILABLE.

NEED FOR STAFF TRAINING

Dr. GUINES. I have stated how schools are a reflection of our society and what is prevalent in our society does not stop at the school door. We are not at all satisfied with that type of position. This is a serious problem which the school administration and the School Board is fully aware of and we have tried to take some steps in the area of staff training, the revitalization of our curriculum to make it a more impelling kind of an educational experience for young people and to teach the dangers of drug abuse.

Senator SPECTER. What are you doing specifically, Dr. Guines?

Dr. GUINES. Specifically, I would have to refer to my notes here to keep on target.

Senator SPECTER. All right.

Dr. GUINES. We have ongoing staff development that is a requirement of all the school personnel.

EARLY INSTRUCTION OF DANGERS OF DRUGS

Senator SPECTER. How early do you start to instruct children about the dangers of drugs?

Dr. GUINES. If you look at lessons per se in the classroom, I think that you can see that reflected as early as kindergarten, first grade, in our curriculum—alcohol and cigarettes.

Senator SPECTER. What is it that you say to children in kindergarten or first grade about the problem?

Dr. GUINES. It centers around information about the dangers of alcohol and smoking and that kind of thing with the early aged.

There are certain kinds of units that deal probably in a surface way with some of the other types of drugs that we have been talking about that merely come in posters and things that can happen to you if you use PCP.

Senator SPECTER. All right. At what stage would there be some specific reference to PCP?

In other words, at what stage in the educational program would there be some reference, something like PCP?

Dr. GUINES. What I am saying, Senator, is the way you communicate to a kindergartner or first grader is in a poster form and certain general information. I would say even within our kindergarten efforts, there is some effort.

Senator SPECTER. Kindergartners cannot read, can they?

Dr. GUINES. No; they can see a poster and they can see PCP, and they know what that is.

That is one way—and not a very subtle way—for a kindergartner's lessons to be communicated.

I guess I am trying to imply to you that we do not try to go into technical detail of dangers to kindergartners.

Senator SPECTER. OK.

Dr. GUINES. It is a more visual conceptual kind of message.

Senator SPECTER. At what stage do you go into the dangers with some students more advanced than kindergartners?

Dr. GUINES. I think that picks up very significantly in grade 4 in terms of actual teaching lessons, and also persons from the police department and other agencies here work with the schools.

EFFECTIVENESS OF EDUCATION PROGRAM

Senator SPECTER. How effective do you think your educational program is?

Dr. GUINES. Senator, I am going to be honest with you. We would like to think that we are very effective, but hearing these types of statistics and hearing the age categories, as an educator; I would have to be realistic and say that we have a great deal more to do.

RESOURCES NEEDED FOR EDUCATIONAL PROGRAMS

Senator SPECTER. What more would you like to do? What do you need by way of resources to carry out a program that you would really like to have if you had a wish list?

Dr. GUINES. To train our teachers, for instance, to use that time when we can get to them, we need, obviously, resources for what we call released time. This problem is so serious that we would like to use a lot more of the week time to actually relieve teachers of their teaching responsibility to give them a week of indepth training with personnel in some of these other agencies. That is a cost factor if you want to have a continuity of educational experience while those teachers are out in training.

Every day we take the teacher away from the class, we want to provide quality instruction, that is $45 per teacher. So even the training and staff development is one cost factor.

Obviously, we need a lot more personnel, which I believe that you have generously taken the initiative to provide in our area of truancy prevention where we will be looking at increasing our staff in the areas of counseling and social work. Many of those people we expect to have a kind of expertise that will bring some kinds of solution to this problem.

Senator SPECTER. Dr. Guines, perhaps some of the assistance that we give you—what I would like for you to do, if you would, would be to supplement your written testimony and I wish we could go into it now, but time does not permit, to what you would do specifically on an educational program for drugs in the schools if you had additional resources. That is something that this subcommittee, and, I think, the full Senate, the full Congress, would consider if you would give us your supplementary thinking.

STATEMENT OF MARY KIDD

I would like to turn at this point to Mary Kidd, executive director of the Washington Area Council on Alcoholism and Drug Abuse.

We welcome you here, Ms. Kidd, and thank you for your testimony. It will be made a part of the record in full and to the extent that you can summarize it, we will appreciate it.

[The statement follows:]

STATEMENT OF MARY J. KIDD

My name is Mary J. Kidd and I am the Executive Director of the Washington Area Council on Alcoholism & Drug Abuse, Inc., known as WACADA. WACADA is a voluntary, non-profit, community-based organization serving the metropolitan Washington area and supported by the United Way of the National Capital Area. WACADA's mission is to reduce alcohol/drug problems in our community through our role as advocate for addicted individuals and watchdog in the community interest. The services we provide are education and training, information and referral, and social action/advocacy.

Through the combination of its membership base and the people it serves, WACADA is very deeply rooted in the community. For example, we have trained more than 500 counselors over the past few years, many of them now work in the treatment programs in the community. We trained them to be advocates for their clinets and they turn to us when problems arise in providing good quality treatment. Our alcohol/drug hotline operates 24-hours a day, 365 days a year, and through these calls we keep our finger on the pulse insofar as drug use is concerned. Our staff and volunteers get out to most health fairs and other community events to give out literature and answer questions. This and the active involvement of our dedicated board and membership give us a uniquely "community" perspective on drug abuse problems and we are glad to share this perspective with you.

PCP is shorthand for phencyclidine, a tranquillizer developed by Parke-Davis and Company, patented in 1963 and marketed under the trademark Sernyl. Tests on humans in 1957 resulted in such adverse side effects--extreme agitation, disorientation, hallucinations and delerium--that testing was halted in 1965. The drug then was marketed for veterinary use as Sernylan. According to the American Veterinary Medical Association, the drug has not been marketed for at least six years.

Recreational use of PCP began in 1967 in San Francisco, selling as the "PeaCe Pill." It appeared in the east in 1968 as "Hog." In both east and west there were many reports of "bad trips" with the new drug and it fell into disfavor. Nevertheless, a constituency for the drug remained and began building during the 1970's. In relation to other drugs PCP was always low in incidence measures. In the major study of Student Drug Use in America 1975-1981 (Johnston, Bachman, O'Malley) funded by NIDA, PCP use by high school students appeared to peak at 7.0 percent in 1979 and had dropped to 3.2 percent. This trend was attributed to the drug's reputation as being particularly dangerous.

In 1974, Dr. Paul V. Luisada, Senior Psychiatric Resident at St. Elizabeths Hospital noticed a rash of first admissions to the Area D Community Mental Health Center, which serves Southeast Washington, caused by what appeared to be a drug-induced schizophrenia. The drug turned out to be PCP and by February 1975 admissions related to phencyclidine represented one-third of first admissions to the center.

PCP is relatively easy to produce and a lot of amateur chemists went into the business in the Washington area judging by the frequent arrests and confiscations by area police. This, in fact was the major indicator of PCP use for some time; there was no remarkable increase in the demand for treatment, but presumably there was a market for all the drug being manufactured. The most popular names for PCP in the District of Columbia are "Lovely" or "Loveboat."

In 1980 WACADA conducted a survey of 1,095 youth in the District of Columbia. Various drugs were ranked according to the porportion of high frequency (daily or weekly) users with the following results:

DRUG	% REPORTING DAILY/WEEKLY USE
Marijuana	40.5%
Alcohol	34.3%
Cocaine	5.1%
PCP	4.9%
Amphetamines	2.8%
Heroin	2.1%
Barbiturates	1.9%
Hallucinogens	1.6%

WACADA handles approximately 2,000 calls each month on its 24-hour alcohol/drug hotline and data are maintained on demographics, type of problem, resolution of call, and drug mentions. The rank and percentage of drug mentions documents the dramatic rise in PCP use and awareness in the Washington area. In the year ending June 30, 1983, PCP ranked 8 with 1.5 percent of mentions; in the year ending September 30, 1983 it rose to rank 7 and 2.6 percent; during Christmas/New Year's period ending January 4, 1984 it ranked 5 at 7.4 percent; and in May 1984 (for that month only) PCP was ranked 1 at 22.6 percent of the calls. Since then PCP has alternated with cocaine in the top rank position.

Calls regarding PCP fall largely into two categories, users asking for information and/or help, and worried parents and other relatives. This drug ravages families. For persons suffering the acute effects of the drug there is little hope of getting them voluntarily into treatment. All the family can do is wait for the acute phase to pass and then offer help. If the individual is volient or suicidal the police may by needed to take him/her to the forensic unit at D.C. General, and from there to St. Elizabeths. This is extremely traumatic to the family and it places a special burden also on the police officers involved.

The City's Alcohol & Drug Abuse Services Administration (ADASA) has been very responsive to this new drug abuse trend. ADASA has identified specific beds or treatment slots in a number of programs for persons with PCP problems. It will also co-sponsor with WACADA a treatment conference on PCP in October; the purpose will be to provide treatment professionals with the most current information on treatment methods and allow them to share their own expertise with their colleagues.

There are two points I would like to make about how we should respond as a community to this latest--and it is only the latest--drug craze. The first is that we shouldn't go too far with drug-specific responses. For example, it would not be appropriate to open a series of PCP treatment programs, and follow that with cocaine treatment programs (cocaine is vying for first place as the drug of choice in the Washington area). It is the person not the drug that needs treatment, and we must not forget that the persons we are talking about seldom use just one drug. Our treatment responses must match the needs of the clients and be prepared to deal effectively with a broad spectrum of drug use. No matter what drug is seen as "epidemic" a sound, comprehensive treatment and prevention program is what is needed. And this is what the District of Columbia does not yet have. There are gaps in service to be filled: residential treatment for youth and women; outreach and intervention for youths; more outpatient services are needed; the needs of the elderly (especially those in public housing) the chronically ill and the homeless are not adequately addressed. Progress is being made under the leadership of ADASA's new Administrator, Dr. Lonnie Mitchell: programs for inpatient drug detoxification and a new program for the Corrections system are being developed. If The Committee on Appropriations were to make more financial resources available to the City they should go toward making the treatment system as comprehensive as possible. This will make it easier to respond to the next drug crisis we face, whatever form it may take.

The second point I wish to make is that prevention must become a community priority. At the present time there are only two small funded prevention programs, both in the Southeast section of the City. ADASA is sponsoring a series of community prevention conferences this month in each ward, and in FY 85 this effort will be continued by prevention coordinators in each ward. This is a good beginning, but it does not match the magnitude of the problem.

Over the past four years WACADA has developed, tested and taught an alcohol/drug curriculum for kindergarten through sixth grades. It is ready to be given to every elementary school teacher this year. The project this year was to train the teachers and give them support and technical assistance in teaching the curriculum; however there is not enough money available from the Preventive Health Block Grant to do this. How wasteful it is to abort a primary prevention project like this--it has been the recipient of three national awards--just as it is about to pay off for the children and the community as a whole. If prevention were a City-wide priority this would not have been allowed to happen.

The Washington Area Council on Alcoholism & Drug Abuse, Inc. (WACADA) appreciates this opportunity to share our perceptions of the current drug abuse problems in the District of Columbia. The following documents are provided to assist you in your fact-finding.

1. Profile of Hotline Calls July 1, 1982 - June 30, 1983 (Total: 22,373)
2. Profile of Hotline Calls July 1, 1983 - June 30, 1984 (Total: 25,776)
3. Hotline Statistics December 1983 - May 1984; profile of calls
4. WACADA Hotline Drug Mentions: Three Periods 1982 - 1984; ranks and percent
5. WACADA Hotline Statistics, Drug Mentions: December 1983 - May 1984
6. Profile of Hotline Calls for the month of July 1984
7. Alcohol and Drug Survey Among Youth and Adolescents in Washington, D. C., Report I: A Descriptive Summary, Marvin P. Dawkins, Ph.D., 1981.

   NOTE: A second survey (N 1,400) on alcohol, drugs and reproductive health (relating to the City's campaign to reduce infant mortality) was conducted in 1982; the agency has not had the resources available to analyze these data as yet.

8. "RAPPIN' ABOUT DRUGS: YOUTH PERSPECTIVES ON DRUG ABUSE (Don't Deny if you Get High; if so here's something you should know). This pamphlet was designed and written by a group of teenagers in D.C. (see picture on back cover) under a City prevention grant. 40,000 copies were printed and distributed.
9. Alcohol/Drug Risk Reduction Curriculum for grades k-6.

PROFILE OF HOTLINE CALLS

July 1, 1982 through June 30, 1983

TOTAL CALLS: 22,373

CALLS MADE FOR:	SELF	61 %
	FAMILY MEMBER	22 %
	OTHER	17 %
REASON FOR CALL:	ALCOHOL	38 %
	DRUG	40 %
	COMBINATION	8 %
	OTHER PROBLEM	14 %

CALLERS BY AGE & REASON FOR CALL:		ALCOHOL	DRUGS	OTHER
UNDER 17	16.1%	27.6%	55.5%	16.9%
18 - 29	28.6%	35.5%	48.6%	15.9%
30 - 44	46.1%	49.1%	36.9%	14%
45 - 65	9.2%	35.8%	43.6%	20.5%
65 plus	0	0	0	0

GEOGRAPHIC LOCATION:	
DISTRICT OF COLUMBIA	70.2%
MARYLAND	16.3%
VIRGINIA	13.5%

RESOLUTION OF CALLS:*	
INFORMATION	37.6%
REFERRED	27.7%
LISTEN/COUNSEL	41.3%
CRANK/HANG-UP	21.7%

DRUG MENTIONED:

RANK		RANK	
1. HEROIN	49%	8. PCP	**
2. MARIJUANA	16%	9. QUAALUDE	**
3. COCAINE	12%	10. METHADONE	**
4. PRELUDIN	8%	11. UNKNOWN	**
5. VAL/LIBRIUM	4%	12. OTHER	**
6. DILAUDID	**	13. LSD	**
7. AMPHETAMINE	**	14. NICOTINE	**

*These categories are not mutually exclusive; figures do not total 100%.

** Less than 3%.

July 1, 1983 -- June 30, 1984

TOTAL CALLS: 25,776

CALLS MADE FOR:	SELF	60. %
	FAMILY MEMBER	18. %
	OTHER	22. %
REASON FOR CALL:	ALCOHOL	41.5 %
	DRUG	35.0 %
	COMBINATION	9.6 %
	OTHER PROBLEM	13.9 %

CALLERS BY AGE & REASON FOR CALL:	ALCOHOL	DRUGS	OTHER	TOTAL
UNDER 17	42.2 %	52.0 %	5.8 %	100 %
18-29	40.2 %	47.3 %	12.5 %	100 %
30-44	42.6 %	45.2 %	12.2 %	100 %
45-65	48.2 %	11.9 %	39.9 %	100 %
65+	90. %	0 %	10. %	100 %

GEOGRAPHIC LOCATION:	DISTRICT OF COLUMBIA	68.2 %
	MARYLAND	19.1 %
	VIRGINIA	12.7 %
RESOLUTION OF CALLS	INFORMATION	35.0 %
	REFERRED	27.6 %
	LISTEN/COUNSEL	13.1 %
	CRANK/HANGUP	25.3 %

DRUG MENTIONS:

RANK		RANK	
1. HEROIN	26.5%	8. OTHER	2.7%
2. COCAINE	19.6%	9. DILAUDID	2.1%
3. MARIJUANA	17.0%	10. METHADONE	1.7%
4. PERLUDIN	11.1%	11. QUAALUDE	1.5%
5. PCP	8.3%	12. AMPHETAMINE	1.3%
6. VAL/LIBRIUM	4.1%	13. LSD	1.2%
7. UNKNOWN	2.9%	14. NICOTINE	0.0%

TABLE II

HOTLINE STATISTICS DECEMBER 1983-MAY 1984

		DEC.	JAN.	FEB.	MAR.	APRIL	MAY
Calls for:	Self	64.1	68.7	62.8	60.4	53.5	29.6
	Family	20.1	16.8	21.7	12.5	11.8	12.6
	Other	15.8	14.5	15.5	27.1	34.7	57.8
Problem:	Alcohol	38.8	40.4	40.6	32.6	35.1	36.6
	Drug	39.8	42.6	43.1	35.7	30.0	24.3
	Combination	6.8	7.2	5.1	11.1	15.3	15.5
	Other	14.6	9.8	11.2	20.6	19.6	23.6
Sex:	Male	68.9	73.1	67.9	44.8	61.2	35.9
	Female	31.1	26.9	32.1	55.2	37.8	64.1
Age Group:	17 and under	3.5	4.1	7.0	7.8	5.6	6.6
	18-29	43.8	40.5	45.0	41.3	49.1	41.4
	30-44	52.7	55.4	46.1	43.7	31.6	40.2
	45-65	0.0	0.0	1.9	7.2	13.0	11.3
	Over 65	0.0	0.0	0.0	0.0	0.7	0.5
Geographic Location	D.C.	74.4	72.9	69.2	67.4	59.6	59.1
	Maryland	12.7	13.9	16.6	32.6	25.9	30.2
	Virginia	12.9	13.2	14.2	0.0	11.7	10.3
	Other States	0.0	0.0	0.0	0.0	2.8	0.4
Resolution:	Referred	41.3	45.9	45.2	43.7	36.0	39.6
	Counseled	22.2	20.6	20.8	9.6	12.2	8.1
	Crank	6.7	7.2	9.5	4.6	13.1	17.7
	Hang-Up	29.8	26.3	24.5	42.1	38.7	34.6

TABLE II

WACADA HOTLINE DRUG MENTIONS: THREE PERIODS 1982 - 1984

	July 1, 1982 - June 30, 1983		Oct. 1, 1982 - Sept. 30, 1983		Dec. 22, 1983 - Jan 4, 1984	
	RANK	PERCENT	RANK	PERCENT	RANK	PERCENT
HEROIN	1	48.9	1	30.7	1	37
MARIJUANA	2	15.8	2	21.8	2	18.5
COCAINE	3	12.2	3	16.5	3	14
PRELUDIN (BAM)	4	7.8	4	11.8	4	9.3
VALIUM	5	3.9	5	4.6	7	2.7
DILAUDID	6	3.1	6	3.6	8	2.3
AMPHETAMINE	7	1.8	8	2.3	8	2.3
PCP	8	1.5	7	2.6	5	7.4
QUAALUDE	9	1.5	9	2.1	9	.9
METHADONE	10	1.2	10	1.4	9	.9
UNKNOWN	11	.8	11	.9	10	.5
OTHER	12	.6	12	.6	10	.5
LSD	13	.5	13	.6	6	3.7
NICOTINE	14	.4	14	.5	-	-
		100		100		100

WASHINGTON AREA COUNCIL ON ALCOHOLISM & DRUG ABUSE, Inc.

HOTLINE STATISTICS

DRUG MENTIONS (ALCOHOL EXCLUDED): DECEMBER 1983 - MAY 1984

DRUG	December		January		February		March		April		May		Overall
	Rank	%	Rank	%	Rank	%	Rank	%	Rank	%	Rank	%	Rank
Heroin	1	28.3	1	29.7	1	27.3	1	23.7	5	12.5	3	19.4	1
Methadone	9	1.5	7	2.3	8	1.4	8	2.9	7	2.4	7	2.5	7
Dilaudid	7	2.2	9	1.5	7	4.3	9	1.9	11	1.0	10	1.1	8
Amphetamine	11	0.9	12	0.9	8	1.4	12	0.5	8	1.9	12	0.7	12
Preludin	4	14.5	4	14.2	5	10.8	6	4.1	10	1.2	9	1.8	5
Marijuana	3	17.4	3	17.8	2	15.1	4	11.3	6	12.0	4	11.2	3
PCP	5	3.9	11	1.2	4	11.8	2	20.4	2	16.6	1	22.6	4
Cocaine	2	21.7	2	18.3	3	14.4	3	18.9	1	19.9	2	21.9	2
Valium	6	3.5	6	3.6	6	5.0	10	1.0	9	1.4	9	1.8	7
Librium	10	1.1	5	4.1	8	1.4	14	0.0	12	0.5	13	0.2	11
Nicotine	13	0.0	13	0.0	10	0.0	12	0.5	14	0.0	14	0.0	13
LSD	8	1.7	7	2.3	8	1.4	11	0.7	12	0.5	11	0.9	10
Quaalude	7	2.2	8	1.8	7	4.3	13	0.2	13	0.2	8	2.1	9
Unknown	8	1.7	10	1.4	9	0.7	7	3.3	4	13.5	6	6.1	6
Other	12	0.4	12	0.9	9	0.7	5	10.6	3	14.4	5	7.7	7

PROFILE OF HOTLINE CALLS

MONTH OF JULY 1984

TOTAL CALLS: 2,750

CALLS MADE FOR:	SELF	74.3%
	FAMILY MEMBER	9.5%
	OTHER PERSONS	16.2%
REASON FOR CALL:	ALCOHOL	27.1%
	DRUG	40.3%
	COMBINATION	11.5%
	OTHER PROBLEMS	21.1%

CALLERS BY AGE & REASON FOR CALL:		ALCOHOL	DRUGS	OTHER	TOTAL
	UNDER 17	4.3%	89.1%	6.6%	100%
	18-29	22.1%	73.2%	4.7%	100%
	30-44	43.5%	43.9%	12.6%	100%
	45-67	79.3%	14.6%	6.1%	100%
	65 +	100%	0.0%	0.0%	100%

GEOGRAPHIC LOCATION:	DISTRICT OF COLUMBIA	59.6%
	MARYLAND	29.1%
	VIRGINIA	10.5%
RESOLUTION OF CALLS:	INFORMATION	20.9%
	REFERRED	21.4%
	LISTEN/COUNSEL	8.2%
	CRANK/HANGUP	37.5%

DRUG MENTIONS:	RANK			RANK		
	1.	COCAINE	31.2%	8.	OTHER	1.6%
	2.	PCP	26.2%	9.	DILAUDID	1.0%
	3.	UNKNOWN	12.7%	10.	PERLUDIN	0.8%
	4.	HERION	12.1%	11.	AMPHETAMINE	0.6%
	5.	MARIJUANA	10.0%	12.	LSD	0.3%
	6.	METHADONE	1.7%	13.	QUAALUDE	0.2%
	7.	VALIUM	1.6%	14.	LIB/NICOTINE	0.0%

DEALING WITH DRUGS ACROSS THE BOARD

Ms. KIDD. Thank you. I will try to be very brief and get to the advice that we can give you.

First of all, the advice that I would give you is that the community should not go off the deep end on the single drug. PCP is the garbage pit of drugs, there is no question about that.

The reason it is such a problem is that the toxic effects are so bad that it does have a terrible impact. However, it is not necessarily, indeed, it is not the No. 1 problem, and I think we are going to see trends, people who move away from PCP and off to another drug, and when we do, we will have another crisis, another hearing. There will be more concerned, and so forth.

I think this is a good opportunity for us to do some basic things about the way we deal with drugs across the board so that the next time there is a crisis, we will be in a much stronger position, regardless of what the trend is. There will be trends that will come and go.

I am sure there is some drug waiting around the corner, some mushroom or something that will absolutely turn everybody's head around, and we will have to be dealing with that next.

The city does not have the complete really comprehensive system of program for addiction. It has got a good start and covers a lot of bases, but there are certain areas that are still not covered, so I would say that strengthening and filling in the gaps in the current treatment programs is very important.

PREVENTION THROUGH TEACHING

The second thing is to go into prevention, which everybody here agrees to, specifically on the prevention note that you are talking with Dr. Guines about.

I do want to mention the curriculum which was developed, with funding that began with the Centers for Disease Control, until the President decided to discontinue the Federal initiatives and PCP money was transferred into the block grant program, which I am sure you are familiar with. A lot of the money disappeared and the city picked up support for this project. The result is curriculum for kindergarten through sixth grade on alcohol and drugs, and your question I was very interested in you asked about what do you say, what do you do with kindergarten children. One of the things that you find out with kindergarten children is that they do read. They know "Miller" and they know "Schlitz," and they know lots of other kinds of things.

Our philosophy in doing that curriculum was always to work with skills so that no matter what they are doing, they are going to learn how to read, write, and do the things that will move them ahead in life, but at the same time, get information that will be valuable.

In kindergarten we do not tell little kids about alcohol or about PCP or other things. What you have to do is start where they are, find out what they know, and let them tell you.

What we have found out is they know an awful lot, and a great deal of what they know is quite accurate. They also tend to be very antidrug, because what they see is adults acting like fools and they see their parents being bewilderingly inattentive or not somehow being right, and it disturbs them very much.

Another thing we find is that these children feel responsible for the problems in their family.

If they have a drinking father or mother who is using something and not meeting their needs, they feel it must be something they did wrong or they are somehow responsible.

So one of the things that we have put in there is to give them an idea of the concept that they are not responsible if someone else has a problem. If it is a parent that has a problem, to let them know that addiction is an illness and people can suffer from that illness, and they are not criminal and they are not bad.

You know, these are things that are truly helpful to children. They help them cope. Regardless if the parents ever get help or not, the child is in a better position to deal in public life because they understand certain things.

Anyway that is the type of thing, preventive kind of thing that you build in with small children. You can give them building blocks so that as they get older, you do not know what their choices are going to be, you have given them the information about risks and so forth. If they go ahead and use drugs, they are at risk. And if they turn out to be one of these people who is susceptible to addiction and succumb to it, they also know that it is an illness. They also know that there is help available.

Senator SPECTER. Do you find that approach to the children is along the right lines?

Ms. KIDD. Oh, yes, it certainly is.

I would not say all prevention should be for the children. I think you have to go through the complete life cycle, intervene wherever they are in the life cycle. Because, after all, the children are still living with their parents. If the parents have a problem, you need to try and get in there, too.

SUPPLEMENTARY EFFORTS TO COMBAT PCP

Senator SPECTER. What supplementary efforts would you like to see along this line, beyond what resources are available right at this moment?

Ms. KIDD. I think that what has been started in the city is good. The preventive conferences that are going on right now sponsored by ADASA, this month, will be followed up next year by coordinating with those who will work with community groups, schools, churches, and various other groups, and pull off a big conference, more like a workshop is the idea. In each ward people will be brought together to work on solutions, to work on what activities and things need to take place, get everybody aware.

So I think that is an excellent way to build up community-based prevention ideas, and then also the school thing—I had to put in my testimony here that where in the last year—the training that Dr. Guines was talking about, teacher training, and so we have not been able to get the money for it. And right at the end kind of dropping off.

Senator SPECTER. Teacher training?

Ms. KIDD. Yes; now we want to get the curriculum into the schools; we can't get the teaching.

Senator SPECTER. We will take a look at that.

APPEARANCE OF MEMBER OF SECOND GENESIS PROGRAM

Let's turn to Phillip.

We understand that you are a former PCP user. We appreciate your being here. We know that it is not easy for you to come forward. We are looking forward to your help on the subcommittee.

PHILLIP. Thank you, sir.

I am a resident on the Second Genesis Program. I have been with the Second Genesis Program for about 7 months. I have been improved. I have used PCP for 10 years. At the age of 16, when I started, basically it came from peer persons.

Senator SPECTER. You are 26 today?

PHILLIP. Sure. And I have had some wild, bizarre experiences with PCP.

Senator SPECTER. Such as what? What kind of wild, bizarre experiences?

PHILLIP. As far as walking down the highways nude, jumping from buildings——

Senator SPECTER. Jumped from buildings?

PHILLIP. Sure.

Senator SPECTER. How high?

PHILLIP. Three and four stories high.

Senator SPECTER. Were you injured?

PHILLIP. Sure, I was injured. I had so many scars. Like I said, I have improved.

Senator SPECTER. How did you get PCP to start with?

PHILLIP. It was very easy for me to come by. I did not have any financial problem when I was coming up. I come from a well-groomed family.

Senator SPECTER. What did it cost you to buy when you first purchased it?

PHILLIP. $10 a bag.

Senator SPECTER. And you had $10 as a 16-year-old to buy a bag of PCP?

PHILLIP. Sure I did.

Senator SPECTER. Where did you get the money?

PHILLIP. Allowances. Friends. I mean, it got to the point where I did not need money to get it.

Senator SPECTER. I do not want you to say anything to incriminate yourself. If it was 10 years ago it will not incriminate you, but we want to protect your rights while you are here so that if any of these questions raise something that you do not want to respond to, I want you to feel free not to respond to anything.

I will try not to ask you questions which will tend to incriminate you. That is not the purpose that we have here. You are here voluntarily. I just wanted to make that one comment to you.

PHILLIP. Sure. That is why I am here, sir.

I do not want anything high. You know, maybe I can help somebody.

STOPPING OTHERS FROM USING PCP

Senator SPECTER. What do you think we can do about it to help somebody to stop other people from using PCP?

PHILLIP. Basically it is going to start with the parent, start at home.

My parents did not recognize that I had a problem because I had it for so many years.

Senator SPECTER. Your parents did not recognize that you had a problem. What was the nature of the problem, using PCP?

PHILLIP. Sure. It got to the point even when they did find I had a problem, they did not want to face the fact that I did have a problem.

And that is what is going on right now with kids' heads today; parents do not want to realize their child was smoking PCP or using any type of drugs, so——

Senator SPECTER. What do you think ought to be done about it once a parent recognizes there is a problem? What should the parent do about it?

PHILLIP. What the parents should do, in my case or in somebody else's case, mental institutions. That is what it is going to take.

Senator SPECTER. Get some help like a mental institution?

PHILLIP. Right away.

HELP FROM MENTAL INSTITUTIONS

Senator SPECTER. Did you ever get any help from any mental institution or any other institution?

PHILLIP. Sure. St. Elizabeths Hospital.

Senator SPECTER. You went to St. Elizabeths?

PHILLIP. Sure. There was not that much help for me.

Any time they can just lock you up in the room, I mean, you might come down within 2 or 3 days, but within 7 days they release you. There is no type of really what you would call counseling there, you know, to talk to you, you understand?

Senator SPECTER. Were you helped to some extent at St. Elizabeths?

PHILLIP. I mean, when they lock me in the room, I am saying.

Senator SPECTER. How long did they lock you in the room?

PHILLIP. You stay locked in the room until you come down off the drug.

Senator SPECTER. How long is that?

PHILLIP. 2 days.

Senator SPECTER. They feed you?

PHILLIP. Sure, they feed you, but what I am saying——

Senator SPECTER. Did they cure you?

PHILLIP. No.

Senator SPECTER. Are you cured now?

PHILLIP. Sure, I am cured now.

HELP OF SECOND GENESIS PROGRAM

Senator SPECTER. How did you get cured?

PHILLIP. From the Second Genesis Program.

Senator SPECTER. Tell us a little bit about that program.

PHILLIP. The Second Genesis Program——

Senator SPECTER. Second Genesis?

PHILLIP. Have you ever heard of Second Genesis, Senator?

Senator SPECTER. No.

PHILLIP. It is a 24-hour therapeutic drug program, you know? We take individuals like myself on a voluntary basis, or court-committed basis. The program really works. It helps you feel like you can be responsible and gets on top of your lifestyle.

Senator SPECTER. I have just been handed a very eloquent brochure on the Second Genesis Program.

What did they do for you, Phillip, at Second Genesis?

PHILLIP. In counseling on a 24-hour daily basis, keeping your priorities up in front of you.

Senator SPECTER. How long did your counseling with them last?

PHILLIP. Say it again, Senator.

Senator SPECTER. How long did your counseling last with Second Genesis?

PHILLIP. It is still going on now.

Senator SPECTER. How long have you been working with it?

PHILLIP. I have been with the program about 7 months now.

Senator SPECTER. How much longer do you think you need to be in the program?

PHILLIP. Well, this is a 12-month program now. It was a 20-month program.

Senator SPECTER. You feel you are making it?

PHILLIP. I feel I am making it now. But we need more programs like Second Genesis. I mean, now we need more funding and, you know, it is a nonprofit organization.

We have to work hard to keep this program going, the residents, staff, and counselors. You know, from my understanding, the Government is not giving us any type of funding for the program.

Senator SPECTER. I have a brochure on Second Genesis and I will take a close look at it.

Is there anything else that you care to add, Phillip?

PHILLIP. Well, first of all, I want to say that I am really glad to be here for myself and other residents that came with me from Second Genesis. We will be happy to go to schools to help young people. Maybe they will listen to people like me who have been through the use of PCP.

They do not go to parties, schools, or anything where they do not have PCP or some type of drugs with them.

Senator SPECTER. Phillip, thank you very much.

Dr. Mitchell, do you have something you would like to add?

DISTRICT'S SUPPORT OF NONPROFIT DRUG PROGRAMS

Dr. MITCHELL. Yes; I do not want to be contradictory to Phillip. I know Second Genesis very well and the kind of program Ms. Kidd just described. The District does indeed support Second Genesis. It provides support to the RAP, Inc. program which is along the same lines as Second Genesis. The District does indeed support substance abuse beds at St. Elizabeths—it is a takeover of Last Renaissance, the drug program under the arrangement between the District and the Congress that the District would take over the alcohol and drug abuse programs. This took place on April 1. So Second Genesis, RAP, Inc., Last Renaissance, and a number of programs are all funded by the District. What so often does not happen is when we talk about them, support by the District is not mentioned. But we are very proud of the Second Genesis Program and RAP and all the others.

SUBCOMMITTEE RECESS

Senator SPECTER. Thank you very much.

Thank you very much, ladies and gentlemen, for coming.

We will be pursuing these matters further, and the extent that you can provide the subcommittee with supplemental information, especially as it concerns the matter here today, we would very much appreciate it.

Thank you. The hearing is concluded.

[Whereupon, at 10:58 a.m., Tuesday, September 11, the subcommittee was recessed, to reconvene at 10 a.m., Wednesday, September 19.]

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1985

WEDNESDAY, SEPTEMBER 19, 1984

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, D.C.

The subcommittee met at 10:10 a.m., in room SD-138, Dirksen Senate Office Building, Hon. Arlen Specter (chairman) presiding.

Present: Senator Specter.

OFFICE OF THE U.S. ATTORNEY

STATEMENT OF HON. JOSEPH DIGENOVA, U.S. ATTORNEY FOR THE DISTRICT OF COLUMBIA

ACCOMPANIED BY JOHN HUME, PRINCIPAL ASSISTANT U.S. ATTORNEY

OFFICE OF POLICY AND PROGRAM EVALUATION

STATEMENT OF GLADYS MACK, DIRECTOR

DISTRICT OF COLUMBIA BOARD OF PAROLE

STATEMENT OF BERNICE JUST, CHAIRWOMAN

OFFICE OF CRIMINAL JUSTICE PLANS AND ANALYSIS

STATEMENT OF SHIRLEY A. WILSON, DIRECTOR

ACCOMPANIED BY STEPHEN RICKMAN, POLICY ANALYST

OPENING REMARKS

Senator SPECTER. Good morning, ladies and gentlemen.

The hearing of the District of Columbia Subcommittee of the Appropriations Committee will proceed at this point.

The subject matter of this hearing is the procedure used by the Board of Parole on initial release of people eligible for parole, and to some extent we will be considering the revised, proposed rules on revocation of parole.

This hearing has been held in order to examine the procedures which are used by the Parole Board to determine the release on the initial hearing, and this follows an earlier hearing held by this subcommittee, where the members of the Board of Parole testified that release—that the person who applied for release has a right to release upon the expiration of the minimum sentence. A standard which the subcommittee very seriously challenged because of the general proposition that parole is a discretionary matter, and it is a matter of grace by the Parole Board, where there are assurances, as a matter of judgment, that the parolee will not return to a life of crime, and where the parole is consistent with a program of rehabilitation

We were concerned that there was a view by the Parole Board that someone who applied had a right to parole at the expiration of a minimum sentence. And following discussions with the Mayor and members of the Parole Board, there has been an undertaking by the Board to revise the rules which were submitted just yesterday, unfortunately.

We had been pressing to have these made available in advance of today's hearing, scheduled sometime ago, September 19, but they came in just yesterday. But we are doing the best we can with them.

At least when we have these hearings, it does eventuate in having the new rules submitted, at least by the date of the hearing, or a day in advance. So we will proceed at this time.

The question of parole is a very important question for the District of Columbia. It is an important question on the funding which this subcommittee has directed its attention to, and we have included a significant increase in funds for the Parole Board, to try to deal with the issue of parole revocation, and also the processing of parole initial applications, and that matter is headed for conference tomorrow, so that the subcommittee does want to proceed with this hearing at this time, even though it would have been preferable had we had more opportunity to study the proposed rule.

This morning we are going to hear from the U.S. attorney, the Chairwoman of the Parole Board, and the Director of the Office of Policy and Program Evaluation for the District. We would like to start with the Honorable Joseph diGenova, U.S. attorney.

We welcome you, Mr. diGenova. We thank you for all of your cooperation with the subcommittee, and commend you on the outstanding job you are doing in this important prosecutorial role. We are pleased to have you here, and look forward to your testimony.

STATEMENT OF JOSEPH DI GENOVA

Mr. diGenova. Good morning, Mr. Chairman, and thank you once again for the opportunity to appear and to discuss this very important subject.

I want to thank you for your continuing interest in the criminal justice system of the District of Columbia, which has been manifested in a number of ways which I need not note. It is clearly because of your personal interest, and the interest of the subcommittee that positive things are happening, such as the release late yesterday of the new parole guidelines on initial parole release, and on reparole after revocation.

This is a significant step, because it involves a reform of the parole system toward the establishment of guidelines which everyone will be aware of, and everyone can understand, including not only this committee, but all the participants in the criminal justice system. This is a good process by which this has occurred, movement is occurring in a vital area.

Now, as you noted, Mr. Chairman, the committee received these new guidelines only yesterday. That is also——

Senator SPECTER. I presume that you have had them for at least 10 days?

Mr. DIGENOVA. No, sir; we received them yesterday.

As a result of that, I am unable to comment today, because neither I nor my staff has had an opportunity to review them.

Senator SPECTER. Mr. diGenova, we will call you third. We will give you a chance to read them.

Mr. DIGENOVA. I have tried to read them over the evening, Mr. Chairman.

Senator SPECTER. I have read them this morning myself.

Mr. DIGENOVA. And have distributed them to my staff, overnight. We would like to submit to the committee an analysis of them, which would be in some detail, as we have done in the past, with our general critique of the parole system as it existed

It appears to address——

Senator SPECTER. Do you think you are entitled to notice and a time to prepare?

Mr. DIGENOVA. I would certainly hope so, Mr. Chairman.

Senator SPECTER. OK.

Mr. DIGENOVA. Other than that, I would only say that in order to be fair to you, and of course, be fair to the District, which has apparently spent a great deal of time working on these guidelines in a short period of time, it really would be most injudicious of me to comment on them, given the importance of them.

SENATOR SPECTER'S COMMENTS ON PROPOSED NEW PAROLE RULES

Senator SPECTER. Well, Mr. diGenova, I appreciate that. I have reviewed them, as I say, just this morning, which was the time that they arrived at my desk. They are a step in the right direction. They are looking toward a program where they are going to be evaluating the parolee in terms of prior arrests, prior convictions, use of a weapon, with not the principal deterrent to be the offender's risk of future involvement in criminal behavior, and I think that is the proper standard.

That is the critical test of parole, is the likelihood that the parolee will stay out of trouble, or whether he is going to be involved in future criminal conduct, and that is the critical test.

Their second standard, on the purpose of retribution and general deterrence, I have some question about, because once the minimum sentence has been served then the court's requirement for minimum is established, and then it is a matter of discretion. Then it is legitimately a matter for the Parole Board. They have the authority to release prior to the completion of the maximum. So that I do not know that they really need to be concerned with deterrence at that point. The judge's mandate has been followed when the minimum has been served.

The third standard is the fairness to the statistical reliability. If by that they mean fairness to the individual parolee, I think that is a relevant consideration in terms of a parolee's plan of rehabilitation. Parole is supposed to fit into that, in the sense of having a period of fixed detention where a person is going to be in custody, and then a period of release under supervision, so that it is a halfway measure between total detention and total release.

So it seems to me that they are on the right track. But I do agree with you that they require study and analysis, and of course, you need time to do that, and we will await your comments.

Mr. diGenova. Mr. Chairman, I say that for this reason. If there is one thing that we have learned as a result of being in this process with the committee in the District, it is that the parole system, in general, is an extremely complex and confusing system, and in order to understand it, and to try to make some sense out of it, and to make improvements, it is best, as we tried to do in our comprehensive report to the committee, on our analysis of the parole problems, to do it in that fashion, and that is only in the way that we think we can provide this committee with a valuable contribution, rather than shooting from the hip.

CONDITIONS FOR REVOCATION OF PAROLE

Senator Specter. That would be fine, Mr. diGenova.

Let me ask you a question or two about the proposals for revocation of parole, and a concern that I have about the basis for revocation, if someone who is on parole is found, for example, with PCP in that person's system, it is my thought that if somebody is on parole and is arrested for a subsequent charge, and has PCP in their system, that parole ought to be revoked without a determination as to the probability of showing probable cause about the subsequent offense.

If a person is on parole for robbery, for example, and is charged with a subsequent robbery, then these rules set up a procedure finally so that you do not have to wait for the conviction on the second charge, which may not occur for a year after the rearrest.

Mr. diGenova. Correct

Senator Specter. And in that situation there has to be a determination of probable cause for the arrest on the second robbery, not proof beyond a reasonable doubt, but at least reason to believe that there is a subsequent offense.

But if a person is found to have PCP in their body, on a test for drugs, it is my thought that given the potential danger which that poses to the community, that ought to be the basis for revocation of parole. There may be some extraordinary circumstances where that is not done, but the Parole Board ought to have the authority at that juncture as a matter of their discretion under the rules to revoke parole.

What is your view on that subject, Mr. diGenova?

Mr. DIGENOVA. Mr. Chairman, I share that view completely, and I do so for this reason. As you know, recently, I had the opportunity and the privilege to testify before your committee on the state of the drug problem in the District of Columbia, along with Judge Ugast and representatives of the Metropolitan Police Department, particularly with regard to the drug PCP.

It has become readily apparent, even to the most casual observer of the criminal justice system here and elsewhere in the country, that that particular drug stands head and shoulders in terms of dangerousness above the other drugs out on the street, not in terms of the danger that it necessarily poses just to the user, but the danger that it poses to innocent individuals who might come in contact with a person under the influence of PCP, and most particularly to police officers who find it part of their daily duties to have to subdue individuals who are under the influence of this terrible drug.

It is my view that if a urinalysis, as part of general supervision of a parolee, reveals the presence of PCP, that that should be prima facie, per se, evidence of a violation, and that parole should be revoked immediately, at least for the purpose of evaluating the status of that particular parolee more in depth.

It seems to me that the safety of society, knowing what we know about PCP, requires that at a minimum——

Senator SPECTER. Mr. diGenova, would the presence of PCP in the parolee's body constitute a felony drug law violation?

Mr. DIGENOVA. It would be evidence that could be used in a prosecution with other evidence, but it certainly would indicate possession and use of a drug, but it would not in and of itself constitute total evidence to convict of a crime. We would have to evaluate those cases, obviously it would be part of an evidentiary scheme.

CHARGE FOR POSSESSION OF PCP

Senator SPECTER. Is possession of a PCP a felony?

Mr. DIGENOVA. No; it is a misdemeanor.

Senator SPECTER. That is what I thought. Well, this is the concern that I have, and Chairwoman Just, I would like you to follow this.

In section 217.6 there is a provision which says a violator warrant shall be issued when there is probable cause to believe that the parolees committed the following crimes: unless there are compelling reasons which militate against such issue, and then there are a series of crimes, and J is felony drug law violation, but it does not say possession in the body of PCP.

Then, 217.9 provides for, the Board shall consider issuance of a 5-day hold detainer when the parolee is alleged to have committed one or more of the following offenses, including attempts.

Again, an enumeration of matters, with felony drug law violations as number J.

In section 217.13, it is provided that it shall be the general policy of the Board to issue a violator warrant if there is evidence of the illegal distribution, purchase, possession, or use of any controlled substance listed in schedules 1 through 5 of subchapter 11 of the District of Columbia Controlled Substance Act of 1981, as amended.

Now, the language of 217.13 suggests that if somebody is found with PCP, that it falls within the general policy of the Board to issue a violator warrant.

But I am concerned that the failure to enumerate possession in the body of PCP, and 211.6 or 217.9 would give such an individual a strong argument that PCP in the body is not a sufficient substantive basis for parole revocation.

Mr. diGenova. Mr. Chairman, we have prepared comments which have been shared with the committee staff, on some of the other new guidelines which you are alluding to now, and in our comments which we submitted to the District on the 14th, we noted this about exactly what you are referring to concerning the drugs.

After some general comments, we noted that the proposed rules in this area, which are not the ones which are before the committee this morning, that those rules tended to perpetuate an unacceptable permissive attitude toward drug abusers by permitting issuance of a parole violation warning only where the U.S. Attorney's Office has charged the parolee with a felony offense.

In other words, the charging decisions of the U.S. Attorney's Office, which are influenced by a variety of factors are not always relevant to the Parole Board's decisionmaking. Drug possession and use are serious violations, and this committee has noted of conditions of parole, and ought to be treated as such.

In addition, it was our view that this standard which was outlined in the sections that you have just enumerated, represents an artificial limitation to felony drug offenses that is materially inconsistent with the provisions which specifically deal with drug abuse.

Senator Specter. Well, Mr. diGenova, we are on the same track. This analysis, staff advises me, was received by us the day before yesterday. I have not seen it.

Does your analysis contain a formulation of a rule which would cover a situation where a parolee had PCP in his body?

Mr. diGenova. No; it did not, Mr. Chairman, because what we were trying to do was provide the District with some analysis of what they had already proposed, in the hopes that as they began to review the revocation guidelines they would adopt a stronger standard.

I mean, it was fairly clear from our comments that we shared the same concerns that the chairman has, that this kind of drug in the system ought not to be a question of severity based on the kind of offense that is charged, but rather on the mere presence of the drug in the system.

In other words, getting away from the notion that drugs in the system is a technical violation when in fact it is anything but.

Senator SPECTER. All right, then we are on the same wavelength on that, so that so far as your recommendation is concerned, and you agree with my conclusion, that if PCP is found in the body of a parolee, that that ought to be the basis for revocation of parole, absence of extraordinary mitigating circumstances.

Mr. DIGENOVA. That is the position of the U.S. Attorney's Office.

DRAFTING RULE REGARDING PAROLE REVOCATION FOR USE OF PCP

Senator SPECTER. Mr. diGenova, would you undertake the job of drafting a rule to amend what is presently in the proposed rule, so that the Parole Board can have your specific language before it when it comes to its final conclusion, because they are currently in a period for comment on rules, where they could take comments and make provisions, as I understand the procedures?

Mr. DIGENOVA. We will be happy to do that, Mr. Chairman, and share that with you, as well.

DEFICIENCIES IN PROPOSED NEW PAROLE RULES

Senator SPECTER. Mr. diGenova, are there any other major deficiencies which you have noted in the proposed rules for revocation of parole? That is not the subject that we came here for today, so I do not want to press you on it.

Mr. DIGENOVA. Well, Mr. Chairman, in our report which we submitted to the District, those were the comments on amendments to title 28 of the District of Columbia Municipal Regulations.

We noted, at the outset, that we welcomed the spirit and the purpose of the proposed revisions, and of course, this report that we issued was an effort to analyze the rules, and we had outlined in our original report to this committee specific problems that we had with the absence of clear guidelines for initial decision to grant parole, the inadequacy of the existing guidelines for the issuance of a parole violator warrant, what we termed the systematic failure to utilize existing guidelines to supervise parolees, and to protect the community, and the inadequate standards for revocation of parole.

Now, some of the concerns that we raised at that time are relevant to the proposed rule changes in the area of revocation, and we appreciate what the District has done. We applaud the Board's proposed adoption of a probable cause standard, for example, for the issuance of parole warrants and detainers, under the proposed rule changes on revocations for the first time, the Board would establish guidelines for the issuance of a parole violation warrant, when a parolee has been rearrested for a separate criminal charge, but is not incarcerated pending further court action.

For example, a 5-day hold has not been ordered by the court, and finally, a significant effort was made to give notice to the U.S. Attorney's Office, and other interested agencies who are in a position to help the Board make a decision, by providing them information.

Now, however, generally speaking, after having said that, we were compelled to conclude that the proposed revisions fell short of what was necessary in the area of revocation.

Basically, we were troubled by the curious mixture of policy and procedure that appeared to persist throughout the proposed rules. And it just appeared that in order to hold the Board accountable for its decision, which is presumably the aim of any set of guidelines, something which the community would like, I assume, the Board has to clearly delineate its policies, and separately state the procedures that it will observe in implementing them.

Now, the critical area which we have identified, of drug usage by parolees, illustrates the sort of confusion between policy and procedure which you were alluding to earlier.

Whether or not the Board will issue a warrant, where drug use is clearly evidenced is intertwined with the Board's procedures on when it will seek revocation, and how it intends to accomplish it.

NEED FOR CLEAR AND FORCEFUL GUIDELINES

We would like to see in the guidelines a clear and forceful statement of policy regarding drug usage. That does not appear in the proposed guidelines, in the area of revocation that we can discern, and that we think is very, very significant.

Similarly, in the area of conviction for a new crime, the failure to articulate a policy that a parolee's conviction, not arrest, but conviction for a new crime, at the very least creates a presumption of revocation, which shifts the burden at the parole revocation hearing, to the parolee to prove why his parole should not be revoked.

It is the absence of that kind of statement which we are concerned about.

Senator SPECTER. Mr. diGenova, should there be any discretion with the Parole Board on revocation of parole on the basis of a conviction for another crime?

Mr. DIGENOVA. In terms of the constitutional necessity for that, I think that any board could certainly set up a standard that a conviction for a set type of serious crimes would be sufficient for revocation, even for minor crimes, misdemeanors, or felonies, particularly if they involve drugs.

That is a question, a policy question of some significance. We would err on the side of revocation, upon conviction for a crime, when society has now exacted a second price, through the——

Senator SPECTER. It would seem to me that there ought to be no question about revocation of parole on the event of conviction of a subsequent offense, subsequent conduct, which is defined as a crime, either felony or misdemeanor.

Mr. DIGENOVA. That is correct. There are a number of other areas in that report that we deal with.

Mr. Chairman, I think it would take up an inordinate amount of your time to go through them. But those are some of the concerns.

We also dealt, within our comments, with the setoff policy, as you know, as to how followup sentences are calculated, and the failure of the Board to address that particular policy in its proposal.

Senator SPECTER. I appreciate the details and responses which you have made on that, and as it relates to the specific issue of revocation, when PCP is in a person's body, I would like your assistance in drafting a specific rule for consideration for the Parole Board, because that reaches a critical area which has come under scrutiny by this subcommittee, and there is a gap in current parole revocation rules, so I would like to see every effort made to correct that.

Mr. DIGENOVA. We would be happy to do that, Mr. Chairman, at your request.

Senator SPECTER. Fine, I think we are making progress, and I look forward to your comments on the rules, on the initial granting of parole, the discretion which the Board is now redefining, and the rules which we have just had since yesterday.

I would like to turn now to Ms. Gladys Mack, Director of the Office of Policy and Program Evaluation.

Thank you very much for joining us, Ms. Mack. If you would identify the people who are accompanying you, we would appreciate that.

And we welcome you, Chairwoman Just, nice to have you with us again. I appreciate your being here, and I appreciate all of your assistance to the subcommittee.

STATEMENT OF GLADYS MACK

Ms. MACK. Good morning, Senator Specter. We are happy to be here.

As you indicated, we have Ms. Bernice Just, Chairwoman of the Parole Board; Shirley Wilson, who heads the Office of Criminal Justice Plans and Analysis; and Mr. Steve Rickman, who is her assistant.

Mr. Chairman, let me say from the outset, that we committed to you on July 26 that we would provide initial parole guidelines, and that it would take us about 2 months to do that. That 2-month period would be over next week. On September 26 we produced these guidelines, ahead of the time that we indicated it would take to do it. I would point out that we also have done it, I would say 14 to 16 months ahead of other jurisdictions who have attempted this kind of effort.

We appreciate your leadership in this area, that is very clear, but it is important that you recognize how promptly we have responded to your initiative, and while indeed it is true that you just got a copy of these guidelines last night, we have made what we think is a giant effort in moving them this far, and I would just like the record to reflect that.

We have also produced, just ahead of these initial guidelines, in a 30-day period, guidelines on revocation. We have been working very hard in this area. There is no question that the work was needed. We have had all the resources that we have involved in this effort, the Mayor's full cooperation, and the rest of the government. So we have been working at it pretty hard.

Senator SPECTER. Ms. Mack, I acknowledge that, and I thank you for it.

These matters have been on our agenda for some time. We have had the discussions with Chairwoman Just on the question of standards for release, on initial release, and on revocation for a much longer period than 2 months, and I know that you have just been working on it for the period of time which you have defined, and I have met with Mayor Barry on it. The Mayor has been very cooperative, the entire administration has been very cooperative, and in making the comments I do, it is in the context of what I conceive to be a really emergency situation for the District of Columbia in dealing with this issue of parole, both initial release and revocation, and in dealing with the matter of public safety of this kind of urgency, it is necessary that special efforts be made, which have been made.

Ms. MACK. Right.

Senator SPECTER. And I have been in the pit alongside you. I have been drafting these parole revocation standards for a long time. I started off as an Assistant District Attorney, working in the Parole and Appeal Division in Philadelphia, and wrestled with these problems, and know that it is not easy to put the words down, and to study the precedents, but when you deal with a matter of this sort, as I say, I consider it to be a matter of emergency, and I think we are responding here, and I think that we are making good progress. And we have them now, and we are going to analyze them and move ahead.

So we thank you.

POLICY OF BOARD IN GRANTING PAROLE

Ms. MACK. I also would like to say, Mr. Chairman, that you indicated in your opening statement that the policy of the Board had been that a person is entitled to release on parole at the end of the minimum sentence.

Mr. Chairman, I would like to state that the policy of the Board has been that a person is entitled to a hearing. The questions of the conduct of that hearing, and actually of the decisionmaking process are what these rules that we have presented to you would address themselves to.

So, again, I want to make that point in response to what was said initially.

Senator SPECTER. Ms. Mack, I have to disagree with you. We had hearings on that subject, and I was astounded to find out that it was the policy of the Board that a person who applied for parole had a right to parole on the first application, unless some reason was found to the contrary. That is the testimony which was given by members of the Parole Board, and we have it in black and white.

Ms. MACK. Well, there seems to be some disagreement on that. I am advised that the policy is that a person is entitled to a hearing. I would be happy to look it up, and clear the record on that.

MODIFYING PAROLE REVOCATION RULES TO INCLUDE USE OF PCP

The other point I wanted to make, Mr. Chairman, is that we did testify, when we were here 2 months ago, that if PCP were present in a person who was on parole, that parole would be revoked. We did make that statement for the record, and I think if you would check, that would be confirmed.

Senator SPECTER. Well, Ms. Mack, I think you did, but the statement that you made for the record is not meaningful in the context of these rules which were submitted, with the absence of the presence of PCP as one of the standards for issuance of a violator notice, and for abuse of the 5-day hold, and then for the language in 217.13. It would not take much of a lawyer to wiggle his client out of this one.

Ms. MACK. No; the point I wanted to make, Mr. Chairman, is that we would be happy to clarify that within the rules ourselves. I appreciate the help of the U.S. attorney, but we have made that commitment, and we certainly can have the rules reflect that.

Senator SPECTER. Fine.

REVIEW OF COMMENTS BY JOSEPH DI GENOVA

Ms. MACK. I also want to say that we got the comments from the U.S. attorney about 2 days ago, they are voluminous, I think you have them before you. We certainly intend to go over them very carefully, and make such modifications as we think are appropriate, to the rules that we provided.

We think that in cooperation with him, and our own efforts, we will be able to come forward with final rules that will meet the objectives that we set out here.

Senator SPECTER. Very good.

Ms. MACK. With those general comments, I would like to call on Ms. Shirley Wilson to talk about the guidelines. Ms. Wilson's office has been in the forefront of the development of these guidelines, and she will make a few comments about them.

STATEMENT OF SHIRLEY WILSON

Ms. WILSON. Good morning, Senator Specter.

Senator SPECTER. Good morning, Ms. Wilson.

Ms. WILSON. I would like to state that these guidelines draw from the experiences of two model systems. The U.S. Parole Commission and the State of Pennsylvania. They incorporate the results of 14 years of research at the Federal level, and include the collective thinking of District officials, Federal, local, and State experts in the field.

I would also like to add that we chose the State of Pennsylvania as a model because the State of Pennsylvania's guidelines contain both pre- and post-incarceration factors, such as ours.

We felt that it was very important to have a predictive risk scale in the guidelines. We also felt that it was important to include some post-incarceration factors, particularly since we have so many educational and vocational programs operating within our correctional institutions right now.

I would like to add that we are going to reward prisoners for sustained achievement, not just sustained participation, but for sustained achievement while institutionalized.

I would also like to indicate that the risk factors that we are looking at have been tested many times by the U.S. Parole Commission, and they look at variables, such as age of the offender, prior criminal history, whether or not the offense involved a weapon or drugs. Those are areas that we feel are very important, and that have to be assessed in making a release decision.

PREPARED STATEMENT

I think perhaps now, since you have the prepared statement before you, that we should respond to some specific questions that you may have.

[The statement follows:]

STATEMENT OF SHIRLEY A. WILSON

Good morning Senator Specter and other members of the committee. I am before you today to testify on the topic of parole release decisionmaking. More specifically, the District of Columbia has now prepared explicit guidelines that will be used in making all parole release decisions for adults and persons sentenced under the Federal Youth Corrections Act.

It is important to note that by preparing these guidelines we accomplished, in less than 3 months, what other jurisdictions have taken a minimum of 12 to 18 months to develop. We are pleased with this achievement which will place us in the forefront of parole decisionmaking. The guidelines encompass state-of-the-art techniques for decisionmaking and set basic standards for parole supervision levels.

Furthermore, these guidelines draw from the experiences of two model systems: the U.S. Parole Commission and the State of Pennsylvania. They incorporate results of 14 years of research at the Federal level and include the collective thinking of District officials and local, State, and Federal experts in the field. We chose the State of Pennsylvania because its guidelines contain both pre- and post-incarceration factors such as ours.

The District of Columbia Parole Board is statutorily mandated to consider parole eligibility within the context of the prisoner's conduct within the institution, the probability a new crime will not be committed, and the general welfare of society.

Specific factors considered by the Board of Parole include: offense severity, prior criminal record, personal and social history, physical and emotional health, institutional adjustment, including success at combating problems, and availability of community resources for transition from prison.

The Parole Board has been guided in its decisions by these factors. However, up to now, there was no systematic way to combine these factors in a manner to ensure reliable decisionmaking that also specifically took the predicted risk of future criminal involvement into account.

Even though our past parole decisionmaking criteria have included many of the same factors enumerated in the new guidelines, we will now attach specific numerical values to each factor. Also the risk assessment factors we will use have been statistically validated.

You will recall, Senator, that in a recent comprehensive status report on parole, a major recommendation for improving operations was to adopt explicit guidelines that predict risk of future criminal involvement.

In developing these guidelines, our major thrust continues to be protection of the public, especially from persons who commit crimes of violence, with weapons, and whose crimes involve drugs, including PCP. Our guidelines specifically include each of these serious acts as negative parole indicants and include a numerical score to predict risk to the community.

Under the new guideline system, four factors are considered with numerical values attached to each of the factors. These factors are: Degree of risk that is posed by an offender if released; type of risk that distinguishes between violent crimes, drug trafficking, and other less serious crimes; institutional adjustment; and program participation, as measured by degree of participation in prison programs. A composite score is derived, based on how each offender is calcuated on each of the four factors, and a guidelines recommendation is then determined. In any instance where the Parole Board chooses to override the guideline recommendation, the reason must be clearly documented.

Because of your strong leadership in the areas of education and vocational training for prisoners, I am sure you are interested in the fact that we have included participation in educational and vocational training programs as enhancing factors in the guidelines. In other words, while high-risk, serious offenders will serve long sentences, sustained achievement will be recognized as a positive factor in calculating the guidelines score.

In summary, the result of these changes in parole release decisionmaking is that higher quality decisions will be made. The goal is to incarcerate high-risk offenders who may pose a danger to the community will remain incarcerated longer, and for low-risk offenders who work hard while incarcerated to improve themselves, to be paroled at their initial hearing.

Other outcomes of using these guidelines include more consistent decisionmaking actions that can be documented and monitored and linkage of guideline recommendations to parole outcomes in order to gather data for ongoing analysis. This is a dynamic guidelines system. It will be modified as data analysis of parole outcomes allows us to further delineate those factors associated with parole success.

Adoption of these guidelines will bring the District up to the state of the art in parole release decisionmaking.

DETERRENCE STANDARD

Senator SPECTER. Well, I believe that these rules are a step in the right direction, as I outlined initially.

I would suggest to you that the issue of deterrence is perhaps not really on target.

Did you find deterrence in a standard, in Pennsylvania, the U.S. Parole Standards?

Ms. WILSON. I cannot recall specifically whether or not deterrence was an objective for the State of Pennsylvania or the Federal system. I can get back to you on that.

However, I would like to add that we felt that in our rules we were not going to be reevaluating the sentencing decision of the judge.

STANDARDS USED IN GRANTING PAROLE

Senator SPECTER. I think that part is correct, but as long as the minimum sentence is served, there has been adequate respect for what the judge has said. It is the judge's structured intent that on the expiration of the minimum, that the Parole Board have the discretion.

The other comment that I would have would be a standard of the use of parole in the context of an overall plan of rehabilitation of the individual. The two guiding standards that I see are very important.

The first one is that society is protected, and that there be a tight evaluation of the likelihood of law-abiding performance by that person at liberty. That is the principal determinant, and that has to be first, ahead of the individual's rights, because the individual is getting grace, getting a reduction of his sentence imposed after the minimum, but before the maximum. He can hold a person in custody for the full sentence.

So I think society's safety is No. 1 in this context, and then the second consideration, which you do not have identified in terms of a standard, is the way parole fits into a program of rehabilitation.

What we have to achieve is that when people are released on parole, that there be some integrated program, so that we do not release functional illiterates, without a trade or a skill. That is part of what we are trying to do now at the prisons. And that there be an employment plan, that there be an integration plan, back into the community, that this is a halfway step, under supervision, so that it be part of that kind of an overall approach, for the welfare of the parolee.

Ms. WILSON. On that point, Senator, I am very pleased to report that our release standards are tied in with levels of supervision once the person is released. So based upon the assessment of risk that has been made prior to making the release decision, we will be placing the person in appropriate levels of supervision.

Senator SPECTER. I think if you articulate the kind of a standard so that the parolee knows he has got to measure up, it is not just a free ride. It has got to be a part of a program that he is going to bring himself back into the community, part of a job, part of a reentry program.

Ms. WILSON. That is one of the underlying principles in these guidelines.

Senator SPECTER. I think you ought to make it explicit, as opposed to underlying.

Chairwoman Just, it is nice to have you here. Let us turn to you at this point.

STATEMENT OF BERNICE JUST

Ms. JUST. The Board really welcomes these new guidelines. It is an important step for it. One thing that it does, is to give us an objective basis for rating these factors.

We have not had that as a rule, before we have always considered this, but the consideration of risk was basically a subjective one.

These guidelines now provide a mathematical assignment of values in proportion to the risk, and I think it is not only going to make our job easier, but it should provide more consistency and more reliability and better decisions.

I should say that the team that has worked on the development of these guidelines has worked for a while. The Board is continuing its day-by-day business, in drug institutions, and it was only last Thursday that the Board felt it was able to meet and study these guidelines for the first time yesterday morning, and you really have a cutoff.

CLOSING REMARKS

Senator SPECTER. Well, I thank you very much, Chairwoman Just. Thank you, Director Mack; and thank you Mr. diGenova.

I think we are on the right track. I think this is an important hearing date, because we have the conference tomorrow, and I will be in a position to discuss with the Members of the House what has been done, why we are asking for this increased funding for the Parole Board.

We want to be of assistance to you. We want to give you the resources to work with, to tackle this important problem. We appreciate your cooperation; we know that in the nature of events when dates are set, hearing dates, that that impels us along, and we are moving ahead.

Please convey my best to the Mayor, and my thanks to him for the expeditious treatment.

Ms. MACK. Thank you, Mr. Chairman.

SUBCOMMITTEE RECESS

Senator SPECTER. Thank you all very much. The hearing is adjourned.

[Whereupon, at 10:50 a.m., Wednesday, September 19, the subcommittee was recessed, to reconvene at the call of the Chair.]

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1985

WEDNESDAY, SEPTEMBER 26, 1984

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, D.C.

The subcommittee met at 10:03 a.m., in room SD-138, Dirksen Senate Office Building, Hon. Arlen Specter (chairman) presiding.

Present: Senator Specter.

CONGRESSIONAL WITNESS

STATEMENT OF HON. STAN PARRIS, U.S. REPRESENTATIVE FROM VIRGINIA

OPENING REMARKS OF SENATOR SPECTER

Senator SPECTER. We will begin this hearing of the District of Columbia Subcommittee, on the subject of oversight of the Department of Corrections.

This hearing follows the very substantial appropriations in the fiscal year 1984 budget of $22 million, with major programs of expansion of bed space and of rehabilitation facilities, with the basic thrust to avoid the customary release of functional illiterates without a trade or a skill, where it would be expected that those releasees would return to a life of crime. And the Congress and the President have authorized this unique program for the District of Columbia to make the District a model city which could be an example for the entire country.

The efforts which we have made in the District of Columbia are a microcosm of a broader program of crime control on legislation which I have introduced as Senate bill 889, which would allocate very substantial Federal resources, 1 percent of the Federal budget, or in the range of $100 billion over a 10-year period, to really come to grips with the problem of violent crime, tying in a program of career criminals—and I might say to you that the House of Representatives has passed the career criminals bill, which would provide for life sentences for repeat felons, and there are two aspects that have to be cojoined. One is toughness, where people cannot be rehabilitated, and they are career criminals, and life sentences and removal from society, and the other is realistic rehabilitation, working with juveniles and first offenders and second offenders. The program which has been instituted for the District of Columbia is a very significant one and really has the potential to be a model to break the crime cycle in this country.

So I believe that we are all very much on the spot. I believe that I am on the spot, having taken the lead in putting up this very substantial sum of money. On a pro rata basis, the money allocated to the District of Columbia even exceeds what a $100 billion program would be over 10 years for the Nation. The Mayor is on the line, and he has been cooperative in trying to get a good result here; and the Department of Corrections is on the line. I think we are all on the line, really, not only for ourselves, but really, for a unique opportunity for the future of the correctional system and to break the crime cycle. And if we can succeed here demonstrably so, then we can take this program to the Congress as a whole and try to get it put into effect on a nationwide basis, to really do something about violent crime.

I firmly believe that with this kind of a program, we can reduce major felonies by 50 percent across the Nation.

Our lead witness today is the very distinguished Member of the U.S. House of Representatives from the Eighth District of Virginia, the Honorable Stan Parris. Congressman Parris has been very cooperative as we have moved along on matters of joint concern, and he has a special status here, because the institutions are in his district, which gives him very special reasons for being here.

We welcome you, Congressman Parris, and look forward to your testimony.

STATEMENT OF CONGRESSMAN PARRIS

Mr. PARRIS. Thank you very much, Senator. It is good to see you this morning, and I appreciate very much your efforts, your interest in the situation, and trying to make a better facility out of the one that we have, and your interest in this matter, generally. I think it has been a great contribution, and I thank you for it.

And I thank you for the opportunity, very briefly, to address a serious issue of great concern, as you have indicated, to my constituents, and I think to the Washington metropolitan area and to the Nation as a whole.

I do not believe it would be overreacting to call it a potentially life-threatening situation. There have been two recent studies on the security and overall conditions at the District of Columbia's Lorton Reformatory. As you so very well know, it encompasses about 3,500 acres, has 3,400 inmates, seven separate facilities, and that sort of thing. It was originally authorized to be constructed at the time of Theodore Roosevelt, well over 70 years ago.

Each of these two studies—one, by the Federal Bureau of Prisons, and the latest by consultants contracted for by the Fairfax County Board of Supervisors—paints the same sordid, abysmal picture. Let me very quickly summarize that for you, Senator.

POTENTIAL FOR RIOT AT LORTON

The physical security situation invites mass escape and prisoner takeover, and the living conditions stir up so much resentment that there is the potential for riot that could lead to mass escape and takeover.

The staff of correctional officers is so overworked that key security posts routinely are abandoned for periods while the guards who normally would be there have to perform other duties.

The flow of contraband, including weapons, drugs, and whiskey, inside the prison, is seemingly endless. In addition to the vocational training offered by the prison, two unauthorized cottage industries clearly exist—the making of weapons and the distilling of whiskey. The latest study indicated that 2,000 gallons of whiskey were confiscated from inmates during a 13-month period. That is almost equivalent to forty 55-gallon drums of unauthorized liquor. During that same period, 450 weapons, ranging from homemade knives to a loaded, commercially manufactured revolver, were found in the maximum security portion of that facility. Of that number, 326—roughly, three-fourths—were made inside the prison itself.

I hasten to add, Mr. Chairman, that when you authored the legislation to appropriate additional funds for vocational training at Lorton, which I commend you for, we all knew that the manufacture of weapons and booze was not part of the proposed course of study. So somewhere, there is a divergence of opinion about what that assistance should provide.

I will not trespass further on your time in terms of the number of inmates and the rated bed capacity, and that sort of thing, but only to call to your attention one fact. The population of 3,300 inmates, approximately, is 872 over the ACA-rated sanitation equipment capacity of 2,400, roughly. Quoting from their report, "An overcrowded facility is conducive to the development of frustration and anger. When a facility becomes overcrowded, the propensity to violent eruption increases dramatically." I do not think you have to be a penology expert to understand that.

In short, Mr. Chairman, Lorton is a riot waiting to happen. And we cannot in good conscience continue to permit the conditions to exist there.

REMOVAL OF LORTON FROM FAIRFAX COUNTY

As you know, my goal has been and remains the eventual closing of the Lorton facility, and with your support and approval, the Bureau of Prisons will continue its study that hopefully will lead to the removal of Lorton from Fairfax County and the relocation of a modern, secure, and humane facility for the benefit of the entire Washington area.

But the situation at that facility is so explosive that the District of Columbia, I think, must be directed to take the appropriate action. I submit that the results of these two studies amply state the situation and the recommendations for corrective actions on the part of the D.C. government. In the absence of any demonstrated willingness on the part of the District of Columbia to take corrective steps, I think Congress must provide the much-needed direction to the District of Columbia and to assist them in some appropriate way, whatever that turns out to be.

Now, let me add just very quickly, Senator, I sympathize, I truly sympathize with the District of Columbia officials who have inherited this facility and this situation; I am sure it is not of their liking. The facilities are clearly inadequate and do not lend themselves to rehabilitation. Well, assuming for the sake of argument, at least, that that is true, we must realize that that study, although it indicates that there is no greater threat to the community than a similar facility in any other location—that is fine, except that even if that is true, it ignores the internal conditions. You have been there, Senator. You have seen what it is like. The dormitory conditions of 20 maximum-security inmates closed into an open room at night is simply intolerable penal conditions.

I think, therefore, that there is no realistic answer to this problem other than to increase, as you have so well attempted to do, the opportunities for vocational education, for other assistance of one kind or another, for inmates, and the creation of a new, modern, humane, secure facility in some more appropriate place.

With that, I will cease and desist, Senator, other than to respond to your questions.

PREPARED STATEMENT

Senator SPECTER. Thank you very much, Congressman Parris. Your prepared statement will be inserted in the record.

[The statement follows:]

STATEMENT OF CONGRESSMAN PARRIS

Thank you, Mr. Chairman, for the opportunity to address a very serious issue of great concern to my constituents. I would even go so far as to call it a potentially life-threatening situation.

There have been two recent studies on the security and overall conditions at the District of Columbia's Lorton Reformatory, the prison that covers 3,500 acres of the Eighth Congressional District of Virginia and that houses some 3,400 inmates in seven separate facilities.

Each study—one by the Federal Bureau of Prisons and the latest by consultants for the Fairfax County Board of Supervisors—paints the same sordid, abysmal picture.

I will summarize that picture for you:

The physical security invites mass escape and prisoner takeover, and the living conditions stir up so much resentment that there is the potential for riot that could lead to mass escape and takeover.

The staff of correctional officers is so overworked that key security posts routinely are abandoned for periods while the guards who normally would be there have to perform other duties.

The flow of contraband, including weapons, drugs, and whiskey, inside the prison, is seemingly endless. In addition to the vocational training offered by the prison, two unauthorized cottage industries exist—the making of weapons and the distilling of whiskey. The latest study indicated that 2,000 gallons of whiskey were confiscated from inmates during a 13-month period. That is almost equivalent to forty 55-gallon drums of liquor. During that same period, 450 weapons, ranging from homemade knives to a loaded, commercially manufactured revolver, were found. Of that number, 326 were made inside the prison.

I hasten to add, Mr. Chairman, that when you authored the legislation to appropriate additional funds for vocational training at Lorton, we all know that the manufacture of weapons and booze was not part of your proposed course study.

Experts in penology know there is a correlation between prisoner unrest and riot and the conditions in which they live. According to the latest study, Lorton has 3,334 inmates. This is 175 under the District of Columbia's stated capacity of 3,509. It also is 625 under the American Correctional Association's rated bed capacity of 3,986.

But—the population of 3,334 inmates is 872 inmates over the ACA-rated sanitation equipment capacity of 2,462. And, quoting from that report: "An overcrowded facility is conducive to the development of frustration and anger. When a facility becomes overcrowded, the propensity to violent eruption increases dramatically."

In short, Mr. Chairman, Lorton is a riot waiting to happen.

As you know, my goal has been and remains the eventual closing of Lorton and, with your support and approval, the Bureau of Prisons is continuing its study that hopefully will lead to the removal of Lorton from Fairfax County and the relocation of a modern, secure, and humane facility for the benefit of the entire Washington area.

But the situation presently is so explosive that the District of Columbia must be directed to take appropriate action. I submit that the results of two comprehensive studies amply state the situation and the recommendations for corrective actions on the part of the District government. In the absence of any demonstrated willingness on the part of the District government to take corrective steps, I believe Congress must provide much needed direction to District officials.

DISTRICT'S OPPORTUNITY TO REPLY TO CONGRESSMAN PARRIS

Senator SPECTER. I noted the report on the conditions at Lorton, and we have begun a staff study by Mr. Leeth on this subcommittee, and I had considered the possibility of expanding this hearing to include that subject, but we have a very important subject to consider which is separate and distinct. But when you requested an opportunity to appear here, I thought that was at the top of the agenda when that request was made.

My own sense is that it would be worthwhile to ask Mr. Palmer to step forward at this time, out of sequence, while you are here, if Director Palmer is willing to do so.

Now, customarily, there is notice and an opportunity to prepare, so that in a sense, we may be calling upon you, Director Palmer, to speak without having had an opportunity to have reviewed what Congressman Parris has said. And if you would like to defer a response until a later time, this subcommittee would reconvene to give you that opportunity.

On the other hand, having heard what Congressman Parris has had to say, which has not been meek or mild or undramatic, when he says it is "a riot about to happen," and "cottage industries" for the making of whiskey and weapons, you might want an opportunity to reply.

But I think in fairness, it ought to be your decision whether you want to reply now, or have an opportunity to prepare and come back at a later date.

DISTRICT OF COLUMBIA

DEPARTMENT OF CORRECTIONS

STATEMENTS OF:

THOMAS DOWNS, CITY ADMINISTRATOR AND DEPUTY MAYOR FOR OPERATIONS

JAMES PALMER, DIRECTOR, DEPARTMENT OF CORRECTIONS

LORTON HAS COMMENDABLE SECURITY RECORD

Mr. DOWNS. Senator, I am Tom Downs, City Administrator and Deputy Mayor for Operations.

I hate to put Mr. Palmer in the predicament of responding to the Congressman's concerns. If I could just take 1 minute and, on behalf of the District, make one point.

Senator SPECTER. By all means, Mr. Downs. You are the Deputy Mayor for Operations and City Administrator, and we would be pleased to hear your views on what has happened. It may be that you are a more appropriate person to respond than Director Palmer, but we will leave that up to you gentlemen who represent the city.

Mr. DOWNS. While the report does categorize a number of areas of concern within the prison against the ACA, or the American Corrections Association, standards, only three States have been fully certified so far under those standards, and only 20 are working actively to become certified under those standards. Virginia is not one of those States.

We have recognized our responsibility to be open to review by everyone; we must have the most studied and reviewed prison system in the United States. We have had ongoing reviews in the last 24 months by the Department of Justice, the Bureau of Prisons, the State Attorney General's Office in Fairfax County, as well as other, numerous internal reviews and GAO reports.

I only want to make one point clear, that the report points out. On the issue of physical security, which has been foremost in the minds of the residents of Fairfax County, we have, within the last 2 years, I think, a very commendable record. We have had since January 1983 only two escapes from Lorton, and they were both unsuccessful. The individuals were captured——

Senator SPECTER. Two escape attempts?

Mr. DOWNS. Two escapees actually got outside the perimeter wire. Those were both in 1983, and the inmates were both apprehended within 2 hours. There have been none so far in 1984.

I think there is a responsibility, though—and I will disagree with the

Congressman on this—to deescalate the rhetoric. It is somewhat like hollering "fire" in a crowded theater. The analogy of "a riot waiting to happen" is not true. We have adequate controls, and we have adequate staffing.

REVIEW OF REPORT DONE BY FAIRFAX COUNTY

Senator SPECTER. Mr. Downs, have you had an opportunity to review the report which was made public last week?

Mr. DOWNS. We received it after the Washington Post got it. We were afforded no opportunity to comment on it before it was published. We have been asked to comment on it now.

Senator SPECTER. Did you get it before the Washington Times?

Mr. DOWNS. No; the District was very open with the consultant. We are striving mightily to maintain good working relationships with Fairfax County.

Senator SPECTER. Have you had an opportunity to review the report?

Mr. DOWNS. Well, the report itself is 1,200 pages long, and we are in the process, internally, of doing a complete staff analysis and review of it.

Senator SPECTER. Well, if you have not had an opportunity, and I can understand that, you may wish to respond after you have had an opportunity.

Mr. DOWNS. The one point that I want to make, because I think it addresses directly Congressman Parris' concern, is in the report. In the summary, it says, and I will quote:

> Fear of the Lorton Correction Complex does exist among many citizens of Fairfax County, and thus, the location of the complex has some impact in this respect. The actual threat is less than the threat perceived by the citizens.

And that statement is underlined in the report.

> By focusing attention on incidents or conditions that have not been investigated by proper authorities or otherwise verified, media reports cause many citizens to form conclusions that are emotional and subjective, rather than factual. There is a need for a more positive and comprehensive education and public relations effort, particularly in residential areas of the Lorton complex itself.

That quote is from the Fairfax County report. It emphasizes the need to deescalate some of the rhetoric around the facility. It is a prison. It does bring special problems. We are trying to work as well as we can with the Fairfax County government and the residents in the area. But I do not think inflammatory rhetoric serves any of our purposes very well.

PROBLEM WITH WEAPONS AND CONTRABAND AT LORTON

Senator SPECTER. Mr. Downs, do you care to respond to what Congressman Parris has said about the making of weapons and the making of whiskey within the prison?

Mr. DOWNS. As any prison system does, and as anybody in the prison business will tell you, we have a constant ongoing problem with weapons and contraband.

Senator SPECTER. Weapons and contraband?

Mr. DOWNS. We have an aggressive search procedure, which uncovers most of these articles. We have disciplinary actions imposed on anyone who possesses them. We also have an aggressive policy of stemming the flow of contraband or drugs into the prison itself.

Senator SPECTER. Are there any comparative studies as to the presence of weapons and contraband in Lorton, as contrasted with other prisons, which would give us some guideline as to whether there is more of a problem at Lorton than other places?

Mr. DOWNS. We would be glad to work through the Bureau of Prisons and the American Corrections Association and get you comparable statistics.

Senator SPECTER. How about the question of the making of whiskey?

Mr. DOWNS. I think, if I remember correctly, we had discovered a still. It is a problem, and we have taken steps inside the facility to try and clamp down on these illegal operations as much as possible. You will find these incidences in any prison facility, as well.

Senator SPECTER. Isn't a still operation a fairly open and notorious situation, of some size and some scope, not too easy to conceal?

Mr. DOWNS. Well, the facility does stretch across 3,000 acres. It is possible to make alcohol simply by fermenting fruit or cider.

Senator SPECTER. How much space does it take to do that?

Mr. DOWNS. A jar. If you let cider harden, it is the same process

Senator SPECTER. Well, that is hardly a still, though.

Mr. DOWNS. No. Mr. Palmer, do you want to comment?

Mr. PALMER. Senator, I think what he is making reference to is that the inmates have little homemade devices that we confiscate quite often.

Senator SPECTER. Describe a "homemade device," Director Palmer. How big is it?

Mr. PALMER. They have buckets and gallon cans, and they put the different concoctions into them. It is not like what you would find on the streets.

Senator SPECTER. Would you care to respond to what Congressman Parris has said on that subject?

Mr. PALMER. I have heard the distinguished Congressman from the Commonwealth of Virginia, representing the county of Fairfax. At this time, Senator, I would be most happy to be allowed an opportunity to study the report and to give to the committee and to the Congressman factual information based on my investigation.

Senator SPECTER. Well, the subcommittee would appreciate it if you would. The report is voluminous. As I say, our staff is reviewing it. If you would start with what Congressman Parris has had to say, that would be of special interest to the subcommittee, because Congressman Parris has raised the issues here.

It may be that we could have a subcommittee hearing on this subject, if we can find the time, sometime after the Congress adjourns. Perhaps we can find time to do that. It is a very important subject, and Congressman Parris raises subjects which are of concern, and there ought to be an opportunity for response publicly, so that the people of the community would know precisely what is going on, with all sides having an opportunity to be heard.

Congressman Parris, we will pursue it.

Mr. PARRIS. Excuse me, Senator, just very quickly, one or two sentences. I want to make a point, that the numbers I have used this morning in my testimony are numbers that were taken by the outside experts who wrote the report, taken by the Lorton records themselves. So there are no secrets here. Under the administration of Mr. Palmer, the perimeter escapes have, in fact, improved, and for that, I am extremely grateful. But the study does, in fact, reaffirm conditions that we all know exist.

The guards, for instance, you talk to the guards at Lorton themselves, and they indicate they are sitting on a powder keg. That has got to mean something I just do not think we can continue to ignore. They are trying to make the best of a terrible situation, but that ignores the situation that exists.

RELOCATING LORTON FROM FAIRFAX COUNTY

Senator SPECTER. Congressman Parris, what do you think this subcommittee should do, the Congress should do?

Mr. PARRIS. As I have indicated to you in other conversations, Senator, I think what the Senate and the House and the Federal Government, consistent with its responsibility in the Federal enclave in this city, should engage in a program in cooperation with the District of Columbia, to find a site for and provide appropriate funding to build a maximum, modern, humane facility that will be secure and that will offer all the educational opportunities, the visitation opportunities, and the things that modern penology will show us how to provide, for the benefit of the city, as well as for the inmates and for the community. Now, that, in my view, ought to be relocated from a place that was, in fact, a farm when Teddy Roosevelt created it as a mental institution.

Until we do that, we are ignoring the problem. I do not think we can put bandaids on the victim anymore and simply call it a reformatory and hope it will go away.

Senator SPECTER. Congressman Parris, the problem of finding prison sites is second-to-none in difficulty. Legislation was enacted in Pennsylvania in the early sixties to find a place in eastern Pennsylvania for a penal institution, and the only place that Pennsylvanians could agree on was New Jersey.

Mr. PARRIS. Well, my suggestion, Senator, as you know, is that the cities, at least, of Los Angeles, I think Houston—I have forgotten precisely—but a number of large metropolitan areas around the Nation, have undertaken to build highrise penal facilities in their cities. I think that can be accomplished in the District of Columbia. There is lots of Federal property up and down the Anacostia River that would lend itself very nicely, I think—in the vicinity of the District of Columbia jail, for instance, there are some properties that I would hope would be made available by Federal agencies that could be utilized for those kinds of purposes. I think that is the real solution to a very difficult problem for all of us. As I indicated earlier, I sympathize with the D.C. authorities who have the responsibility to administer this awful situation.

Senator SPECTER. You think Virginia has done its share?

Mr. PARRIS. I think when we stopped growing peanuts and cows out there at Lorton 50 years ago, the facility should have been moved at that time. It is not a farm. It is not a reformatory. It is a maximum security penitentiary. And it should serve the community from which the inmates come and that, of course, is right here.

Senator SPECTER. All right. Thank you very much, Congressman Parris.

Mr. PARRIS. Thank you, Senator. I appreciate your time.

Senator SPECTER. We will do our best to pursue it.

Mr. PARRIS. Thank you.

Mr. PALMER. Thank you.

PREPARED STATEMENT

Senator SPECTER. Mr. Downs, we have your complete statement and it will be inserted in the record.

[The statement follows:]

Statement of Thomas Downs

GOOD MORNING SENATOR SPECTER AND OTHER MEMBERS OF THE SUB-COMMITTEE. I AM PLEASED TO TESTIFY BEFORE YOU TODAY ON THE TOPIC OF CORRECTIONAL SERVICES IN THE DISTRICT OF COLUMBIA.

I AM SURE THAT THE DISTRICT HAS ONE OF THE MOST WIDELY STUDIED CORRECTIONS SYSTEMS IN THE NATION. AS INDICATED BY THE HIGH LEVEL OF COOPERATION WE GIVE OUTSIDE CONSULTANTS AND THE VOLUMINOUS STUDIES WE REVIEW FOR SUGGESTIONS, WE ARE VERY OPEN TO CONSTRUCTIVE ADVICE FOR MAKING IMPROVEMENTS.

TODAY, I WILL DISCUSS FOUR ITEMS: (1) AN UPDATE ON THE ADVISORY COMMITTEE ON CORRECTIONS EDUCATION REFORM, CHAIRED BY RICHARD BEN-VENISTE; (2) ACCOMPLISHMENTS AND PROJECTIONS FOR THE CRIMINAL JUSTICE INITIATIVE PROGRAM; (3) THE REPORT COMMISSIONED BY FAIRFAX COUNTY; AND (4) EXPECTATIONS RELATIVE TO THE SIZE OF THE PRISON POPULATION.

SINCE ITS INAUGURAL MEETING, ATTENDED BY MAYOR BARRY ON JULY 10, 1984, THE ADVISORY COMMITTEE ON CORRECTIONS EDUCATION REFORM HAS HELD TWO FORMAL MEETINGS AND SEVERAL INFORMAL ONES WITH STAFF. NOTEWORTHY AMONG ITS ACCOMPLISHMENTS TO DATE IS ESTABLISHMENT OF A "KEY COMMUNICATORS NETWORK" WHICH INCLUDES ADVISORY COMMITTEES FOR THE FOLLOWING AREAS: ACADEMIC PROGRAMS, APPRENTICESHIP PROGRAMS, CHAPTER I, COUNSELING AND PERSONAL DEVELOPMENT, GENERAL EDUCATION DEVELOPMENT/ASSESSMENT, JOB DEVELOPMENT (JOB BANK/MATCHING), ON-THE-JOB TRAINING, SECOND CHANCE CENTERS, SPECIAL EDUCATION PROGRAMS, AND VOCATIONAL/TECHNICAL PROGRAMS. SPECIAL INTEREST COMMITTEES INCLUDE RESIDENT VISITATION, SPEAKER'S BUREAU, FACILITY TOURS, HOSPITALITY, AND OTHER.

WE ARE ENCOURAGED BY THE COMPOSITION OF THIS COMMITTEE AND

TRUST THAT LONG TERM VIABLE TRAINING AND JOB OPPORTUNITIES WILL RESULT FROM ITS WORK.

SINCE THE CURRENT FISCAL YEAR IS ENDING, WE ARE PLEASED TO REPORT THAT SUBSTANTIAL PROGRESS HAS BEEN MADE IN CAPITAL AND OPERATING PROGRAMS FUNDED WITH THE SPECIAL $22,330,330. NUMEROUS EDUCATIONAL AND VOCATIONAL PROGRAMS ARE NOW AVAILABLE TO INMATES AND A 400 BED FACILITY WAS OPENED WITH THESE FUNDS. WE EXPECT TO CONTINUE THIS COURSE OF ACTION IN FISCAL YEAR 1985 WITH THE COMPLETION OF 85,000 SQUARE FEET OF CONSTRUCTION OF EDUCATIONAL FACILITIES AND FULL IMPLEMENTATION OF INSTRUCTIONAL PROGRAMS.

IT IS IMPORTANT TO NOTE THAT WE SHALL SPEND NEARLY ALL OF THE $12,430,300 IN OPERATING FUNDS FROM THE 1984 APPROPRIATION. THE PROGRAM WAS FUNDED FOR SIX MONTHS IN FY 1985. WE FEEL CONFIDENT, HOWEVER, THAT THE CONGRESS WILL PROVIDE FUNDING FOR THE ADDITIONAL SIX MONTHS AFTER REVIEWING ACHIEVEMENTS EARLY IN FY-1985.

WE PROJECT AN ADDITIONAL NEED, OVER THE FY 1984 APPROPRIATION, OF $626,300 FOR NEXT YEAR. THESE ADDED FUNDS WILL BE USED TO EXPAND EDUCATIONAL SERVICES TO INCLUDE SECOND CHANCE CENTERS IN THE COMMUNITY AND THE "TURNKEY" COMPUTER PROGRAM.

THE FY 1984 CAPITAL BUDGET OF $9.9 MILLION WILL BE FULLY EXPANDED EARLY NEXT FISCAL YEAR, AND WE DO NOT PROJECT AN ADDITIONAL NEED FOR CAPITAL OUTLAY.

WE HAVE HIRED 80 ACADEMIC TEACHERS AND 54 VOCATIONAL STAFF. BOTH DAY AND EVENING PROGRAMS ARE OPERATING AT SIX LORTON FACILITIES AND AT THE D.C. JAIL. 1336 INMATES ARE ENROLLED IN ACADEMIC CLASSES DURING THE DAY AND 501 ARE

ENROLLED IN EVENING CLASSES. THE ACADEMIC PROGRAM DURING THE DAY CAN ACCOMODATE 3266 PEOPLE AND 983 CLASSROOM SEATS ARE AVAILABLE IN EVENING CLASSES. 894 INMATES ARE ENROLLED IN VOCATIONAL PROGRAMS DURING THE DAY AND 79 ARE ENROLLED IN THE EVENING PROGRAM.

INMATE MOTIVATION TO PARTICIPATE IN EDUCATIONAL/VOCATIONAL PROGRAMS IS EXPECTED TO INCREASE WITH THE EXPANDED SERVICES BEING MADE AVAILABLE. FURTHERMORE, THE PAROLE BOARD WILL CONTINUE TO EMPHASIZE EDUCATIONAL ACHIEVEMENT IN ITS STRUCTURED GUIDELINES THAT WILL SOON BE USED IN MAKING RELEASE DECISIONS.

WE ARE ALSO PLANNING TO EXPAND THE BASIC SERVICES DEVELOPED THIS YEAR AND WILL MAKE GREATER USE OF CONSULTANTS IN THE PROVISION OF ANCILLARY SERVICES.

WE PLAN TO CONTRACT WITH THE UNIVERSITY OF THE DISTRICT OF COLUMBIA TO PROVIDE STAFF DEVELOPMENT. WITH CONTROL DATA CORPORATION, WE PLAN TO INITIATE A TURNKEY COMPUTER PROGRAM AND WILL HAVE TURNKEY OPERATIONS FOR VOCATIONAL PROGRAMS, INCLUDING COMPUTER REPAIR AND REPAIR OF SMALL ENGINES. THESE ARE JUST A FEW OF THE ADDITIONAL IMPROVEMENTS PLANNED FOR NEXT FISCAL YEAR THAT WILL DRAW ON RESOURCES OUTSIDE THE DISTRICT GOVERNMENT.

YOU ARE AWARE, SENATOR, THAT THE FAIRFAX COUNTY BOARD OF SUPERVISORS CONTRACTED WITH SAFETY TECHNOLOGY, INC., FOR A COMPREHENSIVE STUDY ON LORTON PRISON. THE REPORT WAS NOT SHARED WITH US PRIOR TO ITS BEING RELEASED TO THE PRESS, NOR WERE WE ALLOWED TO MAKE INPUT WHILE THE REPORT WAS BEING DEVELOPED.

FOR THE MOST PART, THE STUDY COVERED THE SAME AREAS AS THE ASSESSMENT DONE BY THE FEDERAL BUREAU OF PRISONS LESS THAN A YEAR AGO. WE WELCOME ANY CONSCIENTIOUS EFFORT TO IMPROVE

CORRECTIONAL SERVICES, THEREFORE, WE COOPERATED TO THE FULLEST POSSIBLE EXTENT THAT WOULD NOT COMPROMISE SECURITY.

THE REPORT BASICALLY ASSESSES THE DISTRICT'S LEVEL OF COMPLIANCE WITH AMERICAN CORRECTIONAL ASSOCIATION ACCREDITATION STANDARDS. WHILE WE CERTAINLY ASPIRE TO COMPLY WITH ACA STANDARDS, IT SHOULD BE NOTED THAT ONLY THREE STATES, UTAH, FLORIDA, AND OKLAHOMA, HAVE EVER ACHIEVED FULL ACCREDITATION BY ACA. FURTHERMORE, ONLY ABOUT 50 PERCENT OF THE STATES IN THE UNION, AND NOT INCLUDING VIRGINIA, HAVE SOME LEVEL OF INVOLVEMENT IN THE ACCREDITATION PROCESS.

ACROSS THE COUNTRY CORRECTIONS SYSTEMS ARE CHARACTERIZED BY NUMEROUS PROBLEMS. HOWEVER, FAIRFAX COUNTY'S CONCERN ABOUT LORTON HAS FOCUSED ON ONE ISSUE; SAFETY! WE HAVE TAKEN STRENUOUS AND AGGRESSIVE STEPS TO ADDRESS THAT CONCERN. SUBSTANTIAL PROGRESS HAS BEEN MADE. THERE HAVE BEEN NO SUCCESSFUL ESCAPES IN THE LAST TWO YEARS.

THE REPORT STATES THAT THE POTENTIAL FOR ESCAPE FROM LORTON IS EXCEEDINGLY LOW. "WALK AWAY" ESCAPES WERE LESS THAN ONE PERCENT FROM JANUARY, 1983 THROUGH APRIL 1984. ESCAPES OF INMATES ON FURLOUGHS WERE ALSO LESS THAN ONE PERCENT.

WE ARE PLEASED THAT THE CONSULTANTS CONCLUDED THAT WRITTEN PROCEDURES BETWEEN LORTON STAFF AND FAIRFAX OFFICIALS ARE BEING FOLLOWED WHEN ESCAPES OR DISTURBANCES OCCUR. WE ARE ALSO PLEASED AT THE CONSULTANTS' CONCLUSION THAT CORRECTIONAL STAFF ARE ABLE TO CONTAIN ANY PROBLEMS THAT MAY ARISE IN THE PERIMETER OF THE PRISON.

SENATOR, THE POINT MUST BE EMPHASIZED THAT WE ARE MAKING DILIGENT PROGRESS IN IMPROVING OUR CORRECTIONAL SYSTEM. BUT, THE YARDSTICK FOR MEASURING THOSE IMPROVEMENTS MUST BE APPROPRIATELY CALIBRATED.

AN APT EXAMPLE IS A CRITICAL STATEMENT IN THE REPORT ABOUT THE LACK OF AIR CONDITIONING AT LORTON. IT IS OUR INTENT TO PROVIDE A SAFE ENVIRONMENT FOR INMATES BUT ARE WE REMISS BY NOT PROVIDING COMFORTS TO THE INMATE POPULATION THAT MANY OF OUR HARD WORKING CITIZENS CANNOT AFFORD?

THE REPORT TAKES NOTE OF CONTRABAND BEING TAKEN INTO THE INSTITUTION. THE MAYOR ESTABLISHED STRINGENT PROCEDURES TO ELIMINATE INMATES' ACCESS TO DRUGS. HE ALSO ESTABLISHED STRONG SANCTIONS, WHEREBY INMATES LOSE VISITATION PRIVILEGES, WHEN VISITORS GIVE THEM DRUGS.

ALSO WE HAVE BEEN NEGOTIATING WITH THE U.S. MARSHALS, FBI AND FAIRFAX COUNTY POLICE TO HAVE CORRECTIONAL OFFICERS DEPUTIZED IN ORDER TO MAKE ARRESTS ON THE SPOT WHEN ILLEGAL CONTRABAND IS GIVEN TO PRISONERS. UNFORTUNATELY, WE HAVE NOT YET RECEIVED AUTHORIZATION TO MAKE THESE ARRESTS.

THE REPORT FAILED TO TAKE COGNIZANCE OF THE NUMEROUS CAPITAL AND STAFFING IMPROVMENTS DERIVED FROM THE SPECIAL APPROPRIATION OF THIS SUBCOMMITTEE. THOSE ACCOMPLISHMENTS WERE ENUMERATED EARLIER SO I NEED NOT MENTION THEM AGAIN.

THE LAST TOPIC I WILL MENTION INVOLVES ESTIMATING THE SIZE OF FUTURE PRISON POPULATIONS. RECENTLY, THIS SUB-COMMITTEE REQUESTED THAT THE DISTRICT UPDATE ITS ESTIMATES OF THE FUTURE SIZE OF ITS PRISON POPULATION. THE SUB-COMMITTEE ALSO REQUESTED THAT THE DISTRICT USE SEVERAL METHODS IN CALCULATING ITS PRISON POPULATION ESTIMATES, INCLUDING THOSE USED BY THE U.S. BUREAU OF PRISONS. THE DISTRICT HAS RESPONDED TO THIS

REQUEST AND SUBMITTED AN UPDATED SET OF POPULATION ESTIMATES FOR THE INCARCERATED POPULATION.

ESTIMATING FUTURE PRISON POPULATIONS IS A DIFFICULT TASK BECAUSE OF NUMEROUS UNPREDICTABLE FACTORS THAT MAY TRANSPIRE SUCH AS SIGNIFICANT CHANGES IN ENFORCEMENT, PROSECUTION, AND JUDICIAL POLICIES; CHANGES IN MIGRATION PATTERNS; AND CHANGES IN ECONOMIC CONDITIONS.

THE U.S. BUREAU OF PRISONS PRIMARILY RELIES ON INMATE TREND ANALYSIS PROCEDURES TO ESTIMATE FUTURE PRISON GROWTH. WHILE INCLUDING DISTRICT INCARCERATED POPULATION ESTIMATES DERIVED FROM THE PROCEDURE AS REQUESTED BY THIS SUBCOMMITTEE, WE HAVE SERIOUS QUESTIONS ABOUT THE VALIDITY OF THIS APPROACH. THE TYPE OF TREND ANALYSIS USED MAY ONLY PREDICT CHANGES IN ONE DIRECTION.

ALSO THESE CHANGES ARE PREDICATED UPON RATES OF INCREASE AS DETERMINED BY PRIOR YEAR CHANGES IN THE SIZE OF THE PRISON POPULATION. THE LOGICAL INCONSISTENCY OF THIS APPROACH BECOMES APPARENT WHEN LONG TERM ESTIMATES ARE CALCULATED. FOR INSTANCE, THE DISTRICT'S INMATE POPULATION, AS CALCULATED USING THE BUREAU OF PRISON'S INMATE POPULATION TREND PROCEDURE, WOULD EVENTUALLY SURPASS THE DISTRICT'S TOTAL CITIZEN POPULATION BECAUSE THIS PROCEDURE ASSUMES A FIXED GROWTH RATE REGARDLESS OF ANY CHANGES IN THE POPULATION DEMOGRAPHICS.

THE DISTRICT CONTINUES TO USE A POPULATION COHORT ANALYSIS METHOD TO CALCULATE ITS OFFICIAL PRISON POPULATION ESTIMATES. THIS METHOD DOES TAKE INTO ACCOUNT CHANGES IN THE SIZE AND AGE COMPOSITION OF THE POPULATION. USING THIS METHOD, IT IS PROJECTED THAT THE DISTRICT'S INCARCERATED POPULATION WILL REMAIN RELATIVELY STABLE THROUGH 1988 AND THEREAFTER DECLINE

THROUGH 1993. THIS DECLINE IS ANTICIPATED AS A RESULT OF FURTHER MATURATION OF THE "BABY BOOM" COHORT WHICH WILL DECREASE THE SIZE OF THAT PORTION OF THE POPULATION MOST LIKELY TO BE INCARCERATED.

FURTHERMORE, THE STEPPED-UP EFFORTS BY THE DISTRICT, IN COOPERATION WITH THIS SUB-COMMITTEE, TO ENHANCE THE REHABILITATION OF INCARCEREES IS ALREADY PAYING BENEFITS AS EVIDENCED BY THE HIRING OF INMATES WHO HAVE BEEN TRAINED THROUGH NEW REHABILITATION PROGRAMS.

WE EXPECT THAT THESE EFFORTS WILL HELP TO LOWER THE RECIDIVISM RATE AND CONSEQUENTLY REDUCE THE SIZE OF THE DISTRICT'S INCARCERATED POPULATION.

STAFF AND I WILL BE HAPPY TO RESPOND TO YOUR QUESTIONS.

THANK YOU!

NONDEPARTMENTAL WITNESSES

STATEMENTS OF:

RICHARD BEN-VENISTE, CHAIRMAN, ADVISORY COMMITTEE ON CORRECTIONS EDUCATION REFORM

ARNOLD P. JONES, SENIOR ASSOCIATE DIRECTOR, GENERAL GOVERNMENT DIVISION, GENERAL ACCOUNTING OFFICE

ACCOMPANIED BY:

JOHN ANDRICHAK, PRESIDENT, SAFETY TECHNOLOGY, INC.

HORACE HOLLEY, SENIOR TECHNICAL PROGRAM DIRECTOR, LORTON STUDY PROJECT, SAFETY TECHNOLOGY, INC.

INTRODUCTION OF MR. BEN-VENISTE

Senator SPECTER. I would like to turn now to the subject matter at hand on what has been going on by way of rehabilitation. We are operating under some substantial time constraints, which is not unusual for the subcommittee. As I had said earlier, there is a markup on the Defense Subcommittee. I have another obligation at 11 o'clock, which I must go to at least for a time. But let us see if we cannot pursue the matter, to deal with the subject matter as briefly as we can, covering the substantive points.

I would like to call at this time on Mr. Richard Ben-Veniste, who is functioning as chairman of the Advisory Committee on Corrections Education Reform.

You may keep your seats, Mr. Downs and Director Palmer.

Mr. Ben-Veniste, we welcome you here, and we thank you for your extraordinary volunteer service. Mr. Ben-Veniste is a lawyer of distinction in the District of Columbia. He practices all over the United States. He was renowned for his contribution on the Watergate Special Prosecution Team, and has agreed to take on the responsibility, pro bono publico. Had he done otherwise, it would not have taken him long, at his hourly rate, to have dissipated much of the $22 million allocated to prison reform. And I have some appreciation for those hourly rates, having departed from those olimes fairly recently.

But I have been in constant contact with Mr. Ben-Veniste, and he has been in constant contact with the issue, and it is a great public service, and we thank him publicly, as we have privately, and look forward to your evaluation.

STATEMENT OF RICHARD BEN-VENISTE

Mr. BEN-VENISTE. Thank you, Senator Specter, for your kind remarks, and thank you very much for inviting me here today to provide an interim report on the progress of the Advisory Committee on Corrections Education Reform.

As you know, this committee was formed in July of this year, with the blessing of this subcommittee and of Mayor Barry. The purpose of the committee is to assist and advise the Department of Corrections with the planning and implementation of innovative educational and vocational programs tailored to the needs of this community, but which will also hopefully serve as a national model.

The perceived goal of the education initiative is to provide such educational and vocational training to the Lorton inmates as will enable them to find employment upon release. That is the bottom line. If the inmate cannot find employment after the infusion of these funds and the implementation of these programs, then, in my view, the purpose of the education initiative, breaking the revolving door of recidivism, will not be achieved.

MAKEUP OF ADVISORY COMMITTEE ON CORRECTIONS EDUCATION REFORM

Very briefly, I would like to explain the makeup of the committee and how the selection of the committee dovetails with the goals that I have expressed.

I think the makeup of the committee reflects the support of the community for this initiative and the fact that it is a very serious concern that we improve the situation at Lorton and recognize what this subcommittee has done in assuming leadership to effect that change.

Among the committee members are Dwayne Adams, who is chairman of the board and president of the Acacia Group, and who is also a member of the Board of Trade in the District of Columbia. He recognizes the need for the education of the business community, which are the employers who will provide potential employment opportunities for the inmates upon release. And we are working with Mr. Adams and others to develop some ways where the business community can respond to the problem of employing the ex-offender and provide and develop some ways where we can get incentives for the business community, perhaps through the assistance of the Government in making those opportunities available.

Warren Cikens and Peggy Nolan, of the Washington Correctional Foundation, have great expertise in the development of correctional education programs, and particularly Mr. Cikens, who has worked very closely with the Chief Justice of the U.S. Supreme Court, is very active in helping suggest and develop programs.

Margaret Hambrick, an Assistant Director of the Bureau of Prisons, has helped very much in the development and implementation of programs. She brings the great expertise of the Bureau of Prisons in correctional education to the committee. And at this time, I would like publicly to thank Norm Carlson, the Director of the Bureau of Prisons, for his support in making the assets of the Bureau of Prisons available, particularly Ms. Hambrick, who has spent a great deal of time working with Dr. Labat and others, sharing her expertise.

Mike Arnold, of the AFL–CIO Committee on Human Resources and Development, has joined our committee. He will help coordinate with organized labor and provide assistance in expanding the apprenticeship program out at Lorton and increase the opportunities for skilled-trade employment following release.

Diane Spence, who is the director of corrections education for the State of Michigan, has also provided her expertise to the committee, with respect particularly to programs available through private enterprise, which will assist the people at the Department of Corrections in providing the best available, up-to-date methods of training.

Dr. Dolores Davis, from the D.C. Department of Employment Services, and Dr. Latinee Giollitee, who is the assistant to the District of Columbia Public Schools Superintendent, have also joined the committee and made substantial contributions.

Paul Michel, from your office, and Tim Leeth, from the subcommittee staff, have worked very hard in connection with the goals of the committee. Tom Downs, of course, is a member of the committee, and has provided his assistance on behalf of Marion Barry. I would like to say that not only has Mayor Barry encouraged us personally, but he has attended our meetings and has participated in our discussions, and I think that is a very real commitment on the Mayor's part.

NUMBER OF MEETINGS OF ADVISORY COMMITTEE

Senator SPECTER. How many meetings have you had, Mr. Ben-Veniste?

Mr. BEN-VENISTE. We have had three formal meetings, and then we have had informal meetings of the various members of the working subcommittees of that committee.

Senator SPECTER. And I know you have visited the prison, as well.

Mr. BEN-VENISTE. Yes; we have visited the Lorton facility recently, and I would like to report on that visit.

Senator SPECTER. Fine.

PROGRESS MADE BY ADVISORY COMMITTEE

Mr. BEN-VENISTE. I would like to say that in the 3 months that the committee has been in existence, there has been substantial noticeable progress. In the first instance, we noted the difficulty in starting up this program. We have to recognize and commiserate with Dr. Labat and Director Palmer, in that we are going, by reason of this initiative, from a situation where there has been meager, at best, educational and vocational training available at Lorton to a situation where there is now a very substantial emphasis on that kind of educational and vocational training.

Lorton has existed for a long time without this kind of infusion, and therefore there are many people there, and particularly on the correctional side, who are jealous of turf, who have a transition problem, and Dr. Labat has been struggling against that very human kind of reaction to an innovative program. I think progress has been made in getting the correctional people and the educational people together to air their differences and to work together for the common good.

I think the design and implementation progress had been slowed to some extent by the attempt to do everything in-house, and I think there is now a recognition that that may not be the way to go in all instances. For example, Dr. Labat, together with members of her staff, has visited various correctional institutions and has gotten some fresh ideas about what is available out there in the rest of the world. We have been able to provide, principally through Margaret Hambrick of the Bureau of Prisons and Diane Spence of the Michigan Correctional System, some substantial guidance regarding the leasing of equipment, the training programs available, and the so-called—if you will pardon the expression—"turn-key" operations that are available through private enterprise, so that programs which are state-of-the-art programs, not only in educational training but in vocational training, as well, can be made available, can come online quickly, so that we do not have to see a situation of the D.C. Corrections Department reinventing the wheel, but rather, taking advantage of what is available in private enterprise. It will also, in my view, avoid the possibility of the purchase of equipment in the technological area that will soon become obsolete. If a full operation can be purchased, hardware and software, together with the training of instructors, which is the responsibility of the provider to keep up-to-date, it does not become a difficult startup and cash-intensive program for the District. I think we have provided substantial assistance in this area, and we have the assurance of Director Palmer that these kinds of programs will be added, together with the programs for the hiring of educators out there at Lorton now.

PROGRESS OF PROGRAM

Senator SPECTER. Mr. Ben-Veniste, in essence, do you think the program is on target, on schedule, moving ahead, appropriately?

Mr. BEN-VENISTE. I think we have seen a great deal of recent progress. I think that Director Palmer has recognized that there are some different programs available to him which will provide the type of innovative state-of-the-art opportunities which you had in mind initially, to make the D.C. corrections system a national model. And these are in the process of being reviewed, and we are very hopeful that they will be implemented soon.

Obviously, there are several areas that need attention. The situation out at Lorton is far from perfect. But having listened to Representative Parris this morning, I am encouraged by his recognition that this initiative is very much needed and very much what a humane society should be providing to a prison population. I would also make the observation that if there are areas that need tightening up on the corrections side, on the security side, that we not only talk about the stick, but we also talk about the carrot. And this educational initiative provides the carrot, in my opinion, to get inmates interested in these programs. Perhaps we need to develop some other incentives for them. But the best incentive will be the assurance, through the community members, the labor leaders who have been brought into this program, that they will be trained for meaningful employment when they get out; that going to school in prison and enrolling in these programs will be translated into the opportunity for them to break the cycle of recidivism by obtaining meaningful employment when they are released from prison.

USING THE DISTRICT'S PROGRAM AS A MODEL

Senator SPECTER. Mr. Ben-Veniste, let me skip ahead on what is obviously a difficult issue to evaluate, but looking to the future. At what point in time, and in what manner, if at all, will this program be able to demonstrate to Congress the desirability of projecting a similar program on a national level?

Mr. BEN-VENISTE. Well, if the goal is breaking the cycle of recidivism, and providing employment opportunities for inmates, then we will not be able to see that progress until we have a class of graduates who goes through the program. It is not something that we will be able to see with the spectacular results of the Moon launch, to see that the funds are directly translated into something that leaps up into the stratosphere.

Senator SPECTER. Well, it took many years to get the Moon launch.

Mr. BEN-VENISTE. That is true. But we will not see anything as dramatic. We will see something dramatic in human terms, as an individual who did not have the opportunity to get a meaningful job, to get self-respect in the community, to be able to stay away from drugs and a criminal environment, now has the wherewithall, has the opportunity, to learn something which will be translated into meaningful employment.

Now, that is going to take some time. The systems have to come online. Our visit out to Lorton demonstrated that there were many capable and dedicated people who already have been assembled in this program as educators, waiting for their materials to arrive. We have seen inmates who are enthusiastic about the program. But we must keep faith with the system—and it is a synergistic effort. It requires not only good people out at Lorton, state-of-the-art systems, dedication from the Department of Corrections people, but it also means followthrough with the Congress to ensure that inmates, who are probably among the more cynical people in our society, have their hopes realized that this program is not terminated abruptly before it can really get going, that if they follow through, they can really get jobs. And if that happens, I think we will see a substantial turnaround and a real contribution.

Senator SPECTER. I would ask that all those involved in the matter be constantly concerned with the question I have just asked, and that is, How can we demonstrate the success of the program and in what timeframe, because we need to be able to show the results, to the extent that is possible, in order to sustain this program—realizing that it does take some time—and to use this as a model for the crime cycle nationally?

I am advised that the MX debate is proceeding thunderously in the defense markup, and that I have to go there momentarily. I would like to move ahead as far as we can, but I do not want to cut you off, Mr. Ben-Veniste. Have you set forth the essence of your committee's findings?

Mr. BEN-VENISTE. I would be pleased to answer any specific questions, but that is the essence of it, Senator Specter.

DISTRICT'S OVERVIEW OF PROGRESS OF PROGRAM

Senator SPECTER. Let me turn to Mr. Downs and Director Palmer and ask each of them for their overviews of the progress that has been made.

Do you essentially agree with Mr. Ben-Veniste's analysis, Mr. Palmer—or Mr. Downs, you had moved to the microphone first.

Mr. PALMER. Senator, I would like to have Dr. Labat explain it to you. I am very well satisfied, and I concur with Mr. Ben-Veniste, whom I have met with on a number of opportunities.

But I believe, inasmuch as she is right on top of the program, and she has devoted so much time, I would be pleased if you would allow Dr. Labat to bring you right up on the program

Senator SPECTER. I would be pleased to hear from Dr. Labat, but she is not on our witness list, and we have a great many witnesses to hear.

Dr. Labat, why don't you step forward and tell me if you disagree with anything that Mr. Ben-Veniste has said.

Dr. LABAT. Good morning, Senator Specter, and other persons who are present. I do not disagree with anything that he is saying. As a matter of fact, I am very pleased to know that the advisory committee is impressed with where we are.

I do want to indicate that I have a very strong feeling that we will have indicators of success within a 6-month period. What is happening is that we have identified all of the sites for our Second Chance Centers, except two. We are staffing those centers, and we are working with the community in a way that the community will be aware of the fact that persons are going to be available. I think business and labor will have to make some jobs for us, but I think we are going to have to make some for ourselves.

We will be hiring residents from the work release program to renovate, decorate, and bring all of the Second Chance Centers up-to-snuff. The residents are seeing that you are serious about what must happen with this program. The enthusiasm is tremendous, and I am convinced that of those six people—just six—that we have been able to get appointed to positions now, we have gotten very good reports from their supervisors.

Senator SPECTER. Dr. Labat, we will be looking forward to your report. I do not have time to go into it in any great detail now, but we will be looking forward to it.

Dr. LABAT. OK, fine.

Senator Specter. Mr. Downs, is there anything you care to supplement?

Mr. Downs. I want to add two things to what Richard said. One of them is, if you look at this as an experiment and the lessons that we are learning in this process, I think several have already come to the fore. One is that the peer advisory group that you set up for this program serves a purpose inasmuch as the corrections profession tends to be conservative, and it tends to be insular, and that ideas and innovations do not naturally flow around the country. And this process of bringing individuals in from around the country in this fledgling profession of penology and prisons management has been very helpful to keep us from reinventing the wheel. A lot of prison systems around the country have been doing that, constantly trying to reestablish, or establish, new programs that have already been tested or proved in other jurisdictions. That has been very helpful.

Senator Specter. Thank you very much, Mr. Downs.

We have three more witnesses on the list, and I have been asked to come to the other committee hearing. But let us hear briefly from Mr. Arnold Jones, Senior Associate Director, General Government Division, GAO; Mr. Andrichak, president of Safety Technology, Inc., and Mr. Horace Holley, Sr., technical program director of the Lorton Study Project, Safety Technology, Inc.

Gentlemen, we very much appreciate your assistance and appreciate your being here, and we are sorry to have to rush this, but once I go to that Defense Subcommittee markup, I do not know how long that will take, so let me hear from each of you, as briefly as you can summarize your current views on the matter.

STATEMENT OF ARNOLD P. JONES

Mr. Jones. Mr. Chairman, I appreciate being here, and I do want to introduce my colleagues, Mr. Groskin, on the right, and Dr. McPhael, on my left, who helped me in this area.

In the interest of brevity, I have a report that represents work we did for you upon request, looking at prison population projections over the decade of the eighties and projections for increasing capacity. I would like to submit that for the record.

My testimony today summarizes those aspects of that review as it pertains to the District correctional system. That is in my prepared statement, which I would like to submit for the record.

Consistent with your request for brevity, I would now like to summarize what we had to say.

In summary, in fiscal year 1983, the District of Columbia's average daily incarcerated inmate population was 5,125——

PREPARED STATEMENT

Senator Specter. Mr. Jones, all of that will be made a part of the record, and let us make your summary a part of the record, as well.

Mr. JONES. Why don't we make the summary part of the record, Mr. Chairman. I conclude my statement, and I will be happy to answer any questions you may have of the Office.

Senator SPECTER. Thank you.

[The statement follows:]

STATEMENT OF ARNOLD P. JONES

We appreciate the opportunity to testify before you today on our review, at the request of Senator Specter, of federal, District of Columbia, and states future prison and correctional institution populations and capacities. A report with that title was issued to Senator Specter on Feburary 27, 1984, (GAO/GGD-84-56).

My testimony today will summarize the results of our review as they pertain to the District of Columbia Correctional System. Specifically, we will present information on (a) the projected D.C. inmate population for the period 1983-1990, (b) the deficit in current and planned institutional bedspace for that period, and (c) estimated costs of approved new construction, expansion, or renovation projects for the period 1983-1990. Additionally, we will present information on costs to increase institutional capacity to meet projected inmate populations through 1990.

In conducting our review, the District of Columbia Department of Corrections provided data on fiscal year 1983 average daily inmate populations and its most recently revised projections for fiscal years 1984 through 1990, along with supporting data, models, and a description of the methods used to develop the projections. We interviewed Department of Corrections officials about the assumptions upon which their population projections are based and how they were made. We did not independently verify the accuracy of the data provided to us.

Growth in the District of Columbia's Correctional System Population: FY 1983-1990

The average daily number of District of Columbia prisoners during fiscal year 1983 was 6,572, the majority of whom were housed in District of Columbia facilities

--5,125 sentenced and unsentenced prisoners were housed in the District's detention facility and at the Lorton Prison Complex (about 2,174 at the detention facility and 2,951 at Lorton).

--300 sentenced prisoners were housed in the District contract community correctional centers.

--1,147 sentenced prisoners were housed in Federal Prison System (BOP) facilities.

The following table shows the expected growth in District of Columbia Department of Corrections inmate population for the years 1983-1990. The 1990 population, projected by District of Columbia Department of Corrections is a 15% increase over the average daily 1983 inmate population.

	Inmate population by fiscal year							
Location of D.C. prisoner population	1983	1984	1985	1986	1987	1988	1989	1990
Detention Facility	2,074	1,700	1,805	1,750	1,972	1,920	1,901	1,901
Lorton Prison Complex	2,951	3,768	3,903	4,050	3,928	3,980	3,999	3,999
Subtotal	5,125	5,468	5,708	5,800	5,900	5,900	5,900	5,900
Community corrections centers	300	300	300	300	300	300	300	300
Subtotal	5,425	5,768	6,008	6,100	6,200	6,200	6,200	6,200
Federal Prison System	1,147	1,182	1,218	1,255	1,294	1,333	1,374	1,415
Total	6,572	6,950	7,226	7,355	7,494	7,533	7,574	7,615

Growth in the District of Columbia's Correctional System Capacity: FY 1983-1990

In fiscal year 1983 District of Columbia Department of Corrections facilities had a total rated capacity of 4,899 bedspaces, including community correctional centers. The capacity of the District's institutional corrections system, 4,599 bedspaces in fiscal year 1983, has been constantly changing due to ongoing new construction, expansion, and renovation projects. Most of these projects are expected to be completed by the end of calendar year 1984, resulting in a total rated institutional capacity of 5,342 bedspaces, up 16.1 percent from 1983 levels. The District's Department of Corrections expects this rated capacity level to remain constant from fiscal year 1985 through fiscal year 1990 since no other approved increases in rated capacity are planned.

The following table shows the rated capacity of each of the District's facilities in fiscal year 1983 and anticipated operating capacity levels for fiscal years 1984 through 1990.

RATED CAPACITY AND APPROVED INCREASES
DISTRICT OF COLUMBIA
FOR FISCAL YEARS 1983-1990

Facility	Number of inmate living spaces							
	1983	1984	1985	1986	1987	1988	1989	1990
Detention facility	1,355	1,448	1,448	1,448	1,448	1,448	1,448	1,448
Lorton prison complex	3,244	3,894	3,894	3,894	3,894	3,894	3,894	3,894
Central	1,166	1,166	1,166	1,166	1,166	1,166	1,166	1,166
Maximum	536	536	536	536	536	536	536	536
Minimum (old)	300	-	-	-	-	-	-	-
Occoquan I	436	436	436	436	436	436	436	436
Occoquan II	150	450	450	450	450	450	450	450
Occoquan III	-	250	250	250	250	250	250	250
Youth Center I	406	406	406	406	406	406	406	406
Youth Center II	250	250	250	250	250	250	250	250
Minimum (new)	-	400	400	400	400	400	400	400
Sub-total Incarcerated	4,599	5,342	5,342	5,342	5,342	5,342	5,342	5,342
Community Corrections Centers	300	300	300	300	300	300	300	300
Total-DCDC capacity	4,899	5,642	5,642	5,642	5,642	5,642	5,642	5,642

Comparison of Population Growth and Changes in Prison Capacity

The average daily inmate population of District of Columbia institutions exceeded rated capacity by 11.4 percent in fiscal year 1983. Projected average daily inmate populations of the District of Columbia's institutional correction system are estimated to exceed rated capacity by 10.4 percent in fiscal year 1990.

Approved new prison construction and expansion projects are expected to increase the rated capacity of District Department of Correction's institutions by 743 additional inmate living spaces to attain a rated capacity of 5,342 by the end of 1984. Rated capacity will remain at this level through fiscal year 1990, unless further new prison construction or expansion projects are initiated.

The following table provides comparisons of fiscal year 1983 and projected fiscal year 1984-1990 inmate populations with estimates of rated institutional capacity levels for the District's Department of Correction during these years.

Fiscal year	Projected population	Projected capacity	Overcrowding	Percent overcrowded
1983	5,125	4,599	526	11.4
1984	5,468	5,342	126	2.4
1985	5,708	5,342	366	6.8
1986	5,800	5,342	458	8.6
1987	5,900	5,342	558	10.4
1988	5,900	5,342	558	10.4
1989	5,900	5,342	558	10.4
1990	5,900	5,342	558	10.4

Additional increases in capacity to house projected populations

We asked the District's Department of Corrections to provide us with estimates of what additional prison construction or expansion would be needed to house the District's projected future inmate populations, if no alternatives to increasing the capacity of the District's institutional corrections system were to be developed and implemented.

Based on these estimates, the projected number of incarcerated prisoners in the District's institutional corrections system would exceed the District's rated capacity of 5,742 by 158 inmates (or 2.8 percent) in fiscal year 1987. There would be a small surplus of 42 inmate living spaces in fiscal years 1988 through 1990. The following table provides a comparison of actual and projected future incarcerated populations and rated capacity levels for fiscal years 1983-1990 based on the addition of 400 new inmate living spaces in fiscal year 1987 and 200 more in fiscal year 1988.

Fiscal year	Projected population	Projected capacity	Overcrowding	Percent overcrowded
1983	5,125	4,599	526	11.4
1984	5,468	5,342	126	2.4
1985	5,708	5,342	366	6.8
1986	5,800	5,342	458	8.6
1987	5,900	5,742	158	2.8
1988	5,900	5,942	(42)	(0.1)
1989	5,900	5,942	(42)	(0.1)
1990	5,900	5,942	(42)	(0.1)

Cost Estimates of Approved Increases in Prison and Correctional Institution Capacities

The District estimates that current approved prison construction and expansion projects at the Lorton Prison Complex will cost approximately $12.6 million. The following table provides a breakdown of funding for approved new construction or expansion projects.

Facility	Number of inmates living spaces to be added	Scheduled activation date	Capital costs (000)	Source of funding
Detention facility	93[a]	10/83	-0-	N/A
New minimum security institution	100[b]	10/84	$ 5,191	FY 1984
Occoquan II	300[c]	06/84	2,443	FY 1983
			2,553.6	FY 1985 (Request)
Occoquan III	250	04/84	1,710	FY 1984
			746.7	FY 1985 (Request)
Total	743		$ 12,644.3	

[a] The Detention Facility had a rated capacity of 1355 inmate living spaces in 1983; the D.C. Department of Corrections is establishing a new rated capacity level of 1,448 in FY 1984 which does not involve any major new construction or expansion work.

[b] The total rated capacity of the new minimum security facility will be 400. Since the old minimum security which housed 300 inmates is to be converted for use as a medium security facility for adult misdemeanants (designated Occoquan III), the net increase of minimum security inmate living spaces is 100.

[c] The total rated capacity of Occoquan II will be 450 inmate living spaces upon completion of all construction work. At the end of 1983, 150 inmates were being housed in portions of Occoquan II that had been completed to the point that a modest portion of the facility could be used to house primarily sentenced adult misdemeanor offenders.

The Department of Corrections estimates additional operating costs that will accompany approved capacity increases to be about $9.2 million in fiscal year 1984 dollars, resulting in total annual operating costs of $46.4 million for the Lorton Prison Complex.

Cost Estimates of Further Increases in Prison and Correctional Capacity to House Projected Inmate Populations

We asked District officials what it would cost to increase the rated capacity of the District's institutional corrections system to house the projected increase in future prisoner populations and eliminate overcrowding (assuming there were no alternatives to increasing prison capacity developed and implemented by the District of Columbia.) The Department of Corrections estimted capital costs of $59.9 million to build two new correctional facilities--one 400 bed institution and one 200 bed institution. (See table below.)

Facility	Rated capacity	Estimated Activation date if decide to build	Estimated capital cost[a] (000)	Cost per bed (000)
Medium Security	400	1987	$38,480	$ 96.2
Medium Security	200	1988	21,400	107
Total	600		$59,880	

[a] Adjusted by annual inflation factor of 11.29 percent.

Projected annual operating costs for an additional 600 inmate living spaces were estimated by the District at approximately $8.7 million in fiscal year 1984 dolars. This would increase annual operating costs to $55.1 million (in fiscal year 1984 dollars) to house about 4,000 district inmates in secure facilities designed for sentenced prisoners.

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In summary, in fiscal year 1983 the District of Columbia's average daily incarcerated inmate population was 5,125. The District projects this population will increase to 5,900 inmates in fiscal year 1987 and remain at that level through fiscal year

1990. The rated capacity of District Department of Corrections institutional facilities in fiscal year 1983 was 4,599 bedspaces, but the average daily 1983 inmate population exceeded rated institutional capacity by 11.4 percent. Approved new construction and expansion projects will increase rated capacity to 5,342 institutional bedspaces by the end of 1984. If no further capacity increases occur beyond currently approved projects and the District's incarcerated inmate population reaches 5,900, as it has projected for fiscal year 1987, overcrowding rates will remain constant at 10.4 percent from fiscal years 1987 through 1990.

The District of Columbia estimates that capital costs to increase the rated capacity of District of Columbia of Corrections institutional facilities to house projected fiscal year 1988 inmate populations would be $59.9 million. The District estimates additional operating costs of $8.7 million would be needed to support such increases in capacity.

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This concludes my prepared statement. We hope this information will assist the subcommittee in its deliberations. We would be pleased to answer any questions for you or other members of the subcommittee.

STATEMENT OF JOHN ANDRICHAK

Senator SPECTER. Mr. Andrichak, we thank you for being here, and look forward to the essence of what your views are at the moment.

Mr. ANDRICHAK. Thank you, sir.

This is Mr. Holley, and I am John Andrichak, with Safety Technology, Inc.

I am going to be very brief, because I know you are in a hurry. We had two objectives that were laid on us by Fairfax County: To evaluate the conditions within the Lorton correctional complex, and it was agreed that in this evaluation we would use the American Correctional Association standards for adult correctional facilities as the baseline. Now, we did not makeup our own objectives, we did not makeup our own criteria. We used established criteria. We spent 2,600 man-hours. We turned out a report of five volumes, which you have. Congressman Parris has covered some of the salient points.

I have 15 minutes of briefing, but we do not have time for it. I think everything that I would say is in there.

PREPARED STATEMENT

Senator SPECTER. Mr. Andrichak, we will take your statement and make it a part of the record. I think that this subject is going to require, really, a hearing all by itself. But we do appreciate your being here, and having started by making that a part of the record, your statement will commence that process. But that is going to require substantial time, beyond what we have available this morning—it was an add-on, as I said earlier, when we saw the report in the media as of last Friday.

[The statement follows:]

STATEMENT OF JOHN ANDRICHAK, PRESIDENT, SAFETY TECHNOLOGY, INC.

I AM JOHN ANDRICHAK, PRESIDENT OF SAFETY TECHNOLOGY, INC., AND THE PROJECT COORDINATOR FOR THE RECENT EVALUATION OF THE DISTRICT OF COLUMBIA'S LORTON COMPLEX FUNDED BY FAIRFAX COUNTY.

NOTES FOR LORTON PRESENTATION

IN BRIEF, THESE ARE THE TWO OBJECTIVES WITH WHICH WE WERE TASKED. (1) EVALUATE CONDITIONS WITHIN THE LORTON CORRECTIONAL COMPLEX AND (2) ASSESS THE IMPACT ON THE SURROUNDING COMMUNITIES. IT WAS AGREED THAT THE AMERICAN CORRECTIONAL ASSOCIATION STANDARDS FOR ADULT CORRECTIONAL FACILITIES WOULD BE USED AS THE MEASUREMENT BASELINE FROM WHICH AN OBJECTIVE EVALUATION COULD BE MADE. I MIGHT MENTION THAT SAFETECH PERSONNEL EXPENDED OVER 2,600 MAN-HOURS ACCOMPLISHING THE EVALUATION AND WRITING THE FIVE-VOLUME, 1,248 PAGE REPORT. FRANKLY, IT TURNED OUT TO BE A LITTLE MORE THAN I'D ANTICIPATED.

THE D.C. STATED CAPACITY, AS GIVEN TO US BY LORTON OFFICIALS IS CURRENTLY 3,509, WITH A POPULATION OF 3,334. WITH THE NEW, THAT IS THE 8TH FACILITY, THE 1990 PROJECTED D. C. STATED CAPACITY IS 3,859, WITH A PROJECTED POPULATION OF 3,999, WHICH WILL EXCEED D.C. STATED CAPACITY BY 140 RESIDENTS. HOWEVER, BED SPACE IS NOT THE ONLY CRITERIA WHICH APPLIES TO DETERMINE REAL CAPACITY IN ACCORDANCE WITH ACA STANDARDS. THE OTHER CRITICAL MEASUREMENT IS KINDS AND TYPES OF SANITARY FACILITIES AVAILABLE. WE'LL SEE THE IMPACT OF THIS CRITICAL MEASUREMENT LATER.

SAFETECH DEVELOPED SIXTY-EIGHT (68) MAJOR FINDINGS WITH REGARD TO OUR FIRST OBJECTIVE OF EVALUATING CONDITIONS WITHIN THE LORTON CORRECTIONAL COMPLEX. THESE ARE LISTED IN PAGES 3-1 THROUGH 3-14 OF THE EXECUTIVE SUMMARY. WE HAVE EXTRACTED SOME EXAMPLES TO DISCUSS DURING THE LIMITED TIME MADE AVAILABLE TO US FOR THIS BRIEFING.

A-2 ADMINISTRATORS (WARDENS) OF EACH FACILITY DO NOT CONTROL THEIR FOOD SERVICES, HEALTH SERVICES, EDUCATIONAL PROGRAMS, OR FACILITIES MANAGEMENT (WHICH INCLUDES MAINTENANCE AND CONSTRUCTION).

A-4 NO WRITTEN POLICY OR PROCEDURES PROVIDE FOR INTERNAL OR DEPARTMENTAL INSPECTIONS TO ENSURE THAT POLICY IS COMPLIED WITH UNIFORMALLY AT ALL FACILITIES.

A-6 MANY FACTORS CONTRIBUTED TO THIS FINDING: WITHIN THE COMPLEX, WE FOUND INADEQUATE SECURITY FOR CONTROL CENTERS, POOR DISCIPLINE, LOW MORALE, INADEQUATE STAFF TRAINING, AND MANY OTHER FACTORS AS CONTAINED IN THE REPORT.

A-14 LIKELIHOOD EXISTS THAT RESIDENTS CAN SUCCESSFULLY BREACH PERIMETERS IN THE MEDIUM, MINIMUM, OCCOQUAN I, OCCOQUAN II, YOUTH CENTER 1, AND YOUTH CENTER 2 FACILITIES. THIS FINDING IS BASED ON THE VULNERABILITY OF THE PERIMETERS DUE TO PHYSICAL FACTORS SUCH AS SOME TOWERS BEING TOO FAR APART, INADEQUATE CLEAR ZONE OF FIRE OUTSIDE SOME PERIMETERS, TOWERS IMPROPERLY LOCATED OR IMPROPERLY CONSTRUCTED, AND IMPROPERLY CONSTRUCTED AND LOCATED FENCES.

IT'S INTERESTING TO NOTE THAT IN SPITE OF VULNERABILITY, PERIMETER ESCAPES HAVE BEEN MINIMAL. THERE HAVE BEEN TWO PERIMETER ESCAPES DURING THE PERIOD OF APRIL '83 THROUGH APRIL '84.

A-19 THE ESCAPE AGREEMENT BETWEEN THE DEPARTMENT OF CORRECTIONS AND FAIRFAX COUNTY IS GENERALLY BEING FOLLOWED, HOWEVER, NOTIFICATION IN THE CASE OF SOME DISTURBANCES APPARENTLY IS NOT BEING PROVIDED. THE DEFINITION OF WHAT CONSTITUTES A DISTURBANCE APPARENTLY IS THE CAUSE OF THIS PROBLEM.

A-20 ESCAPE SIREN CAUSES CITIZEN CONCERN - THERE IS NO RETURN SIGNAL. THIS FINDING RESULTED FROM A SURVEY OF CITIZENS RESIDENT NEAR THE LORTON COMPLEX. THE GREATEST CONCERN EXPRESSED WAS THAT WHEN THE SIREN SOUNDED, AND MOTHERS GATHERED IN THEIR CHILDREN AND LOCKED THEIR DOORS, THERE WAS NO WAY OF KNOWING WHEN THE EMERGENCY WAS OVER, AND WHEN THEY COULD RESUME NORMAL ACTIVITIES. SOME MEANS OF CONVEYING AN "ALL CLEAR" SIGNAL TO CONCERNED CITIZENS IS NEEDED. THE MONTHLY TESTING OF THE D.C. GOVERNMENT WAS ALSO MENTIONED AS ADDING TO THE CONFUSION. A CONTINUOUS OR PERIODIC EDUCATION PROGRAM IS NEEDED BECAUSE OF THE TURNOVER OF LOCAL CITIZENS.

PARRIS COVERED THE CONTRABAND.

PREVIOUSLY I MENTIONED THE BED CAPACITY VS RESIDENT POPULATION. AT THAT TIME I MENTIONED SANITATION FACILITIES AS A LIMITING FACTOR. CURRENT POPULATION IS 872 OVER THE CAPACITY ALLOWED BY EXISTING SANITARY FACILITIES AND BY 1990 THE EXCESS RESIDENT POPULATION WILL HAVE INCREASED TO 1,127.

A-41 THE LONG TERM LACK OF ADEQUATE MAINTENANCE IS EVIDENCED BY BROKEN WINDOWS, INADEQUATE HEATING AND VENTILATION, POOR LIGHTING, ETC.

A-47 SINCE THESE ANIMALS ROAM IN AND OUT OF FACILITIES AT WILL, THE POTENTIAL FOR RABIES PROBLEMS EXISTS.

A-50 THRU A-52 PROVIDES OUR ASSESSMENT OF THE ADDITIONAL STAFF REQUIRED BY LORTON COMPLEX FACILITIES UNDER CURRENT CONDITIONS.

SAFETECH'S EVALUATION OF ADDITIONAL REQUIRED STAFF IS: 121 CORRECTIONAL OFFICERS, 16 PROGRAM STAFF, AND 16 HEALTH SERVICES STAFF

A-53 THE RAPID INCREASE IN UNIFORMED CORRECTIONAL PERSONNEL TO MEET COURT ORDERED GOALS AND TO STAFF NEW FACILITIES HAS SIGNIFICANTLY DILUTED SKILL LEVELS. SAFETECH EVALUATORS FEEL THAT IT TAKES A MINIMUM OF FIVE YEARS OF PROGRESSIVELY DIFFICULT EXPERIENCE AND TRAINING TO MAKE A SEASONED CORRECTIONAL OFFICER.

A-54 ALTHOUGH ADEQUATE INITIAL TRAINING IS PROVIDED CORRECTIONAL STAFF, LACK OF AVAILABLE FUNDING HAS PRECLUDED ACCOMPLISHMENT OF REQUIRED ANNUAL TRAINING.

A-55 MORALE OF UNIFORMED CORRECTIONAL OFFICERS IS LOW. THIS FINDING IS BASED ON TEAM MEMBER OBSERVATIONS AND DISCUSSIONS WITH LORTON PERSONNEL DURING THE COURSE OF OUR ON-SITE VISITS.

A-68 THERE IS AN OVERALL LOW STATE OF DISCIPLINE IN THE MAXIMUM, MEDIUM, YOUTH CENTER I, AND YOUTH CENTER II FACILITIES. THIS FINDING IS BASED ON TEAM MEMBER OBSERVATION AND EVALUATION OF LORTON REPORTS OF

DISCIPLINARY ACTIVITIES. THESE ARE DETAILED WITHIN THE STUDY.

A-69 MANY OF THE PROGRAMS AT THE TIME OF THE EVALUATION WERE ONLY PARTIALLY OPERATIONAL, AND SOME WERE COMPLETELY INOPERATIVE DUE TO LACK OF FUNDING AND/OR MANPOWER.

SAFETECH DEVELOPED ELEVEN IMPACT STATEMENTS - LET'S LOOK AT SOME OF THEM

B-1 ALTHOUGH SERIOUS INTERNAL PROBLEMS ARE REPORTED IN THIS STUDY, THEY ARE OBVIOUSLY BEING CONTAINED BY LORTON'S CONCENTRATION ON THE PERIMETER SECURITY.

B-2 THE POTENTIAL THREAT OF THE COMPLEX TO SURROUNDING COMMUNITIES IS NOT, AT PRESENT, SIGNIFICANTLY GREATER THAN THE THREAT TO ANY COMMUNITY BY THE EXISTENCE OF THIS TYPE OF INSTITUTION. ALTHOUGH SURPRISING, THIS EVALUATION IS REALISTIC BASED UPON ESCAPE HISTORY, AND THE LACK OF CRIMINAL ACTS PERPETRATED BY ESCAPEES IN THE LOCAL AREA. ESCAPE DATA IS SHOWN IN PARAGRAPH B-3.

B-3 THE THREAT TO FAIRFAX COUNTY CITIZENS BY ESCAPEES PRESENTLY IS IN THE LOW RANGE. NOTE THAT ONLY TWO OF THE TWENTY-ONE ESCAPES ARE THROUGH A LORTON FACILITY PERIMETER.

B-4 BUT A POTENTIAL DANGER DOES EXIST. SAFETECH EVALUATORS FEEL THAT THE POSSIBILITY OF A MAJOR DISTURBANCE OR RIOT SPILLING OVER INTO THE LOCAL COMMUNITY IS A GREATER DANGER TO THE SAFETY AND WELFARE OF THE CITIZENS THAN INDIVIDUAL OR SMALL GROUP ESCAPES.

HOWEVER, A COOPERATIVE EFFORT BETWEEN LORTON STAFF AND FAIRFAX COUNTY PUBLIC SAFETY PERSONNEL WOULD PROBABLY CONTAIN THE PROBLEM WITHIN THE PERIMETER OF THE FACILITY.

B-5 FEAR WAS EXPRESSED BY MANY INTERVIEWED THAT THEY WERE CONCERNED FOR THEIR SAFETY WHEN THEY HEARD THE SIREN --- BUT, AS STATED ABOVE, SAFETECH FEELS THE ACTUAL THREAT FROM INDIVIDUAL ESCAPEES IS LESS THAN THE PERCEIVED THREAT.

TANGIBLE RESULTS OF EDUCATIONAL PROGRAM

Senator SPECTER. Yes, Mr. Holley?

Mr. HOLLEY. Senator, I would like to restrict my comments to the program that you have today. I do not think you have to wait 6 months or 1 year to see the success of what is going on there. I know the bottom line is measured by whether or not people get jobs and employment and education after they get out. But it has other, very significant values. Idleness in corrections is one of the greatest problems; it has done something for that. But even more, it has done something for the human dignity of a lot of people within the correction facilities at Lorton.

Senator SPECTER. Have you already seen those tangible results?

Mr. HOLLEY. I have watched them. I spend a lot of time in the education buildings. I watch people come in and out. They will come out with books under their arms, and they would be radiating, "I am a person, I am a human being. I am accomplishing something."

So you can see that, whether or not you get a job, doing something for a person's self-image is certainly being accomplished there. I have observed it from time to time.

Senator SPECTER. Well, that is encouraging to hear. Mr. Ben-Veniste said we might have to wait for a Moon launch. Dr. Labat said 6 months. And here we are, a few minutes later, with some compliments for the system. So we are moving ahead.

SUBCOMMITTEE RECESS

I very much appreciate all of you coming. This has been a very time-consuming process for the subcommittee, but we intend to stay with it. We are very determined to see this program a success, and I know I speak for my colleagues on the Appropriations Committee and the Senate and the Congress on our determination to succeed here. But it is going to take a lot of effort, and I am pleased with the views which have been presented here today, and we shall pursue it.

Thank you all very much. The hearing is concluded.

[Whereupon, at 10:55 a.m., Wednesday, September 26, the subcommittee was recessed, to reconvene at 10 a.m., Tuesday, October 2.]

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1985

TUESDAY, OCTOBER 2, 1984

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, D.C.

The subcommittee met at 10 a.m. in room SD–138, Dirksen Senate Office Building, Hon. Arlen Specter (chairman) presiding.

Present: Senator Specter.

DISTRICT OF COLUMBIA

OFFICE OF THE MAYOR

STATEMENT OF HON. MARION S. BARRY, JR., MAYOR, DISTRICT OF COLUMBIA

ACCOMPANIED BY:

- **MAURICE TURNER, CHIEF OF POLICE, DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT**
- **ANDREW McBRIDE, COMMISSIONER, PUBLIC HEALTH, DISTRICT OF COLUMBIA**
- **LEONARD MITCHELL, ADMINISTRATOR, ALCOHOL AND DRUG ABUSE ADMINISTRATION, DEPARTMENT OF HUMAN SERVICES**

OPENING STATEMENT OF SENATOR SPECTER

Senator SPECTER. Good morning, ladies and gentlemen. We will begin this hearing of the District of Columbia Subcommittee of the Appropriations Committee.

This hearing is convened to consider the problem of drugs in the District of Columbia with the advent of the very startling statistics on the increase in heroin use in the District, with the high incidence of the use of PCP, with the morning media reporting 32 of the District's schoolbus drivers fired after a drug check, although you can pick up most U.S. papers on most any day and find some revelation and some very serious factual findings on the problem of drugs. It is the thought of the subcommittee that this problem is an acute problem, not only in the District of Columbia, but really nationwide, and is one which ought to be closely followed to see if there is something which may be done through the appropriations process in Washington, D.C., to bring some control over the problem of drug use, heroin addiction, and the subcommittee may be of some assistance in providing some financial assistance, again looking to the substantive problem in Washington, D.C., but also looking on Washington, D.C., as a potential model city for the Nation.

The drug problems in Washington are replicated in virtually every major city in the United States. We are pleased to have with us the distinguished Mayor of Washington, the Honorable Marion Barry.

Mayor Barry, if you would step forward as our lead witness, we will give you time to sit down, but not time enough to catch your breath, Mr. Mayor. I have said before your arrival that this hearing had been scheduled on the problem of drugs in the District of Columbia, as a major problem in this city, but really symptomatic of problems across the United States. And this subcommittee, the D.C. Subcommittee on Appropriations, is interested in analyzing the scope of the problem to see if the Congress can be of some help in controlling drugs in the District, the city where the Congress resides, both from the point of view of safety, crime control in Washington, D.C., but that broader aspect, looking at Washington, D.C., as a model city, which ought to have its solutions duplicated across the country just as the problems are duplicated across the country.

Mr. Mayor, we have observed the statistics on the efforts of crime control. We have noted the increase in personnel allocated by the Washington, D.C., Metropolitan Police Department with regard to drugs, we have noted the increase in heroin usage, PCP, the related drug usage and crime generally, and just before you entered the room, we noted the media reports this morning of 32 schoolbus drivers having been terminated by the D.C. school system where they failed tests on drug detection. This is a matter of great importance, a matter of great seriousness, and one where this subcommittee might be of assistance to the city.

We welcome you here. We appreciate your taking time from your busy schedule, rejoicing in your victory of last Sunday, and we look forward to your testimony.

STATEMENT OF MAYOR BARRY

Mayor **Barry**. Thank you, Mr. Chairman. I appreciate the opportunity to be here with you at today's hearing dealing with the special problem of drug abuse in the city as well as other related matters.

With me is Chief Maurice Turner, Chief of the Metropolitan Police Department; Dr. Andrew McBride, Commissioner of Public Health, District of Columbia; and Dr. Leonard Mitchell, Administrator of the Alcohol and Drug Abuse Administration within the Department of Human Services.

Mr. Chairman, as you have indicated, this is a national problem. It is a national concern. Washington is to some extent a mirror of that national problem.

I think if you look at most major urban areas, particularly where there are a large concentration of low to moderate socioeconomic disadvantaged persons, you will find that the District's numbers probably don't differ that much from those cities.

CONCERN OVER FLOW OF HEROIN INTO THE UNITED STATES

My overriding concern is that when you talk about heroin, it is a well-known fact that it doesn't grow at 14th and T, Wisconsin and M, 7th and T, or anywhere in Washington, or in this country. It is brought here.

I think that one of the focuses of this hearing ought to be what can the Federal Government do with regard to our international relationships and international power to stop the production and the flow of heroin to the United States of America. In 1969–70, the U.S. Government focused on Mexico and Turkey, and by all analyses, it appears that they were able to dry up a major supply of drugs from Turkey and Mexico.

According to Chief Turner and others who dealt with this problem, it appears that most of the heroin in the District of Columbia is coming from Pakistan, Iran, and Afghanistan. That ought to be a major focus, too.

It is something that this committee can't do itself, but I want to go on record saying that no matter how much we work here in the District, or others in other places, the ultimate goal ought to be to start drying up this product so that it is not continually coming in.

Our experience has been that we certainly ought to focus on prevention, apprehension, and treatment. But until the Federal Government launches more of an intense program to stop it, I think it can be greatly stopped, Mr. Chairman. This was demonstrated by Turkey and Mexico. We need to use our economic might, our political might, and in some instances I think it is suggested that we use our military might to try to stop drugs from coming in.

COMMUNITY APPROACH TO HELP PREVENT DRUG ABUSE

Having said that, let me say that my administration's overriding philosophy is that substance abuse represents a serious behavioral problem. It is a disease, and residence of substance abuse problems will be given every option to be treated.

We believe, however, it makes better sense to look comprehensively at this problem. I think there is a tendency to say that it is solely the D.C. government's responsibility to deal with this problem.

It is solely the responsibility of the police department to apprehend, the courts to try, and the Department of Human Services to treat and prevent drug abuse.

Our view is that this has to be a community approach. It has to be done on a comprehensive basis, where every segment of our community, the church, the social clubs, the schools, the universities, and every institution in our city has to be involved, including old people, young people, people who are working, those who are not working.

As I indicated in 1979, when I first came into office, we had a heroin epidemic in Washington, and that is the case now. For instance, in 1978, about 9,000 persons were identified as heroin addicts. In 1982, it was slightly down to about 15,500, and now it is around 13,083. These 13,000 addicts will spend approximately $113 million in 1984 to purchase heroin.

Also, our statistics show that persons who are using our programs had a median age of about 28 in 1983—I'm sorry—1982, and about 30 in 1984.

Also, we are finding what is called polydrug uses, that is, people who use a combination of drugs as opposed to one drug. What happens, Mr. Chairman, far too often, we only find out about the problem after it becomes a serious problem. That is, we only find out that a person is a heroin addict, either when he or she gets arrested for the possession, sale, or distribution of drugs, is committed by the courts to one of our centers, or comes in voluntarily for treatment.

Our view is that there has to be a massive major effort at drug prevention, a massive major effort at comprehensive community involvement, and a massive major effort of trying to get every public and private sector institution, as well as families, parents, and churches involved in this.

We are already in the process of putting together a 5-year comprehensive program at prevention and treatment. As you have indicated, on the other side of the coin is the police department. The department is increasingly devoting more and more of its personnel power to drug-related apprehensions, preventions, and surveillance.

Last year the police department arrested a total of about 36,000 persons, and about 8,000 of those were charged with drug-related offenses.

We think this is epidemic. We are doing as much as we can do. Certainly we could do a little bit more, probably. Quite frankly, all the money, all the treatment programs, all the prevention programs, and all the health-oriented programs are not going to work unless we dry up the source of heroin. Until then we are going to have a problem.

USE OF PCP IS EPIDEMIC

Mr. Chairman, another area of great concern to us is PCP. We are finding that we are also suffering from what I would describe as a PCP epidemic that appears to be an escalating problem of PCP use, both by youth and young adults.

A recent survey of our heroin addict treatment population showed half of those in treatment for heroin addiction acknowledged some use of PCP.

It is these combinations of heroin, PCP, alcohol, and other drugs that are creating serious problems in treatment. Also, the superior court started a new urine surveillance program. As you very well know, about 62 percent of those who were in the lockup and tested for urine analysis had some form of drugs in their systems, primarily PCP and heroin, and in some instances small amounts of cocaine.

INCREASE IN DRUG USE IN THE DISTRICT

Senator SPECTER. Mayor, may we pause at this point to get an assessment as to the increase in drug use in Washington, D.C.

Again, I emphasize that in examining the problems of Washington, D.C., this subcommittee is not doing so in any sense attaching blame here, because this is a national problem, but in trying to get some idea of the scope of the problem here, as it reflects on the broader national problem.

The heroin deaths are really very surprising on the statistics listed in the Washington Post on August 18, showing from January 1 to August 1 in 1984, there were 66 heroin deaths compared to 35 the year before, 67 in 1982, and 69 in 1981, and then in August, there were 24 heroin deaths, which shows a very marked increase.

I believe the statistics showed that PCP usage is increasing as well. Perhaps the chief of police would be in a better position, Chief Turner, to give us an assessment, depending on what you think, Mr. Mayor, as to the increase in drug usage.

Are we now seeing an increase in drug usage in Washington, D.C.?

Mayor BARRY. Mr. Chairman, there appears to be increases at all levels, based on narcotic overdoses including the number of runs that our emergency medical units make to revive those who have overdosed, based on the number of admissions to emergency rooms for treatment, and, based on the admissions to St. Elizabeths hospital for emergency psychiatric care.

Senator SPECTER. Do we have an assessment to cause?

Mr. diGenova, why don't you join us, and if you have some people with you, why don't you have them join us, too, because I think it would be more useful from the subcommittee's point of view to hear your views on this subject as well, and the pending question. Mr. Mayor, do you have an assessment why drug usage is increasing at the present time?

Mayor BARRY. I think the supply is certainly there. It is prevalent in the society. It is my understanding, and Chief Turner can speak to this, that it is probably easier today to get PCP, heroin, and other drugs, than probably ever before.

The price has not been a major factor in terms of the escalating price, because that is a factor of supply and demand.

INCREASE IN DRUG DEMAND

Senator SPECTER. Is the demand also going up, Mr. Mayor?

Mayor BARRY. It appears to be so. The purchase itself is increasing. Also, Mr. Chairman, I think that something happened in our society where the idea of substance abuse and drug use is something that is not looked upon as negatively as it used to be. There is a lot of peer pressure.

I was at a drug prevention program about 3 or 4 months ago with some young people from our junior high schools. I asked those who had used marijuana to raise their hands, and about one-third raised their hands. I am sure the other third probably had.

Senator SPECTER. How many were present, Mr. Mayor?

Mayor BARRY. About 45. These were junior high school students. And I asked them why, and they gave various reasons. One lady said I wanted to try it for my birthday. One guy in the back said you adults drink alcohol, so I figured we can use marijuana. You get all these attitudes about it.

Maybe the chief has other views, but the problem, I think, is more serious today than ever before. Drugs are plentiful. That doesn't mean that the chief is not trying to lock up people, and trying to find the big dealers, but it is my understanding from police reports it is much more serious than ever before.

U.S. ATTORNEY'S ASSESSMENT OF DRUG SUPPLY AND DRUG USE

Senator SPECTER. Mr. diGenova, let me turn to you at the moment. The Mayor has identified a number of problems. The Federal administration has made a massive effort at interdiction, and I think has been successful to a certain extent, coordinated by the Vice President.

There are a variety of considerations pending in the Congress now about limiting foreign aid to countries which do not cooperate with the United States in shutting off the supply of drugs.

There are a variety of issues which the Congress will be considering which are beyond the scope of what can be done by the U.S. attorney for the District of Columbia or by the city administration.

I was discussing yesterday with the Assistant Attorney General in the Criminal Division, Steven Trott, who is in on another hearing, the scope of the task forces at the Federal level on drugs, so there are attacks which have to be made at quite a number of levels which go beyond the jurisdiction of the District of Columbia Subcommittee, obviously, but in your role as U.S. attorney, I would be very interested in your assessment of the two questions which the Mayor has addressed at the moment, No. 1, is drug usage increasing in the District of Columbia, your jurisdiction; and if so, what do you attribute the cause to be?

U.S. ATTORNEY FOR THE DISTRICT OF COLUMBIA

STATEMENT OF HON. JOSEPH diGENOVA

Mr. DIGENOVA. Well, No. 1, Mr. Chairman, thank you for having the hearing this morning and for inviting the participation of all of us involved in trying to deal with this problem.

There is no doubt that from every objective standard, whether you are talking about arrests, actual cases being filed, convictions and dispositions, admissions to St. Elizabeths hospital, and the overflow in treatment facilities available, both private and public, shows that the use of drugs is definitely on the increase. It is not just the traditional addict, as we have seen from the recent heroin study, who is involved in the use of drugs, but the recreational use of drugs among different groups of people in the population has increased for some of the reasons which the Mayor has just indicated that there appears to be an acceptance of substance abuse, much more so than we have ever seen before, particularly with regard to narcotics and dangerous drugs, so it is clear that for a number of reasons, and I have indicated this to the committee before in the previous hearing on drug use, that law enforcement alone can't be held responsible and be expected to solve the problem. And I know that the chairman understands that as well, but I think the clear increase in the amount of drug use is indicative that the problem is much more serious than we have ever thought it to be.

Now, with regard to why that is happening, as I have indicated to this committee on previous occasions, one of the things that is very clear about the drug business in the United States, and it can only be characterized as a drug business, when you look at the economics of drug distribution in the drug business in this country, it is very clear why there is an increased supply of certain drugs and a decrease in the supply of other drugs.

According to the DEA, last year the dangerous drug and narcotic drug business in this country was a $79 billion business. Of that, $33 billion was devoted to the sale and distribution of cocaine in the United States. When you consider that the retail sales of the cigarette industry in this country were $22 billion in that same year you have some idea of the size of the problem. And when you consider that some estimates have Americans spending as much as $100 billion on drugs, and you consider that that would be an amount larger than the revenues of Exxon, America's larger corporation, and when you consider that marijuana is now challenging corn as our biggest cash crop, we are talking about the economics of narcotics and dangerous drugs.

The risk is low in terms of detection, and the profit is high, and when that occurs, of course, as we know, drug kingpins rarely touch the drugs involved in the distribution chain, but they always touch the money, and that is precisely why the Presidential task forces, of which our office is a part, have devoted considerable amounts of their time to use the Drug Kingpin Statute and the Racketeering Corrupt Influence Act to get at the profits of these organizations.

FEDERAL TASK FORCE ON DRUGS

Senator SPECTER. How does the task force work that covers the District of Columbia? How many agents, how does it interact with your office?

Mr. DIGENOVA. We are part of the task force. It is based under the U.S. attorney, Mr. Fred Mutz, in Baltimore. It includes Virginia, Maryland, and the District of Columbia, and it is the responsibility of that task force to have dedicated assistant U.S. attorneys in each office whose job it is to do nothing but these complex organized crime drug task force cases.

We have had about three of those cases in our office. There are about twice that many now under active investigation in our district, and there are at least that many under investigation in each district. They work by coordination between the three States under the umbrella of the drug task force coordinator who was the——

Senator SPECTER. Maryland, the District of Columbia, and Virginia?

Mr. DIGENOVA. That's correct. And the object of that is to take a regional approach to each of the problems facing us. For example, in one area of the country, it may very well be that the type of organized crime activity may involve motorcycle gangs, as it does in Delaware, and their distribution network has to be approached differently than, say, the distribution network that may involve a Sicilian connection, as witnessed by the American crackdown with regard to the heroin distribution. As a result, each of these task forces is designed to deal with local regional approaches with State and Federal law enforcement people working in tandem, and I must say effectively for the first time in years. And I think the drug task force approach, the Presidential drug task force approach, which, as you know, was started in southern Florida, under Stan Marcus, the U.S. attorney down there, has been extremely successful, when you look at the number of successful cases that have been brought, over 1,200.

These are historical levels in the Federal prosecution, and it has to go beyond that, and that is why we are so happy the Secretary of State, Mr. Shultz, has devoted more time, more than any other Secretary of State, to reaching the kinds of agreements that were alluded to earlier in attempting to stop the problem at its source.

As you know from your historic interest in this subject, one of the best things we have going for us right now is that many of these countries, such as Turkey, Pakistan, elsewhere, which have never had an indigenous addict problem, are beginning to develop the problem for themselves and are beginning to adopt the rationale that we have had for years.

Our drug forces play neatly into that scenario, because they are a more aggressive approach to breaking the criminal organizations responsible for distribution of dangerous drugs in this country.

CONCERN AT THE LOCAL LEVEL

Mayor BARRY. I guess our concern is at the local level. We don't have all the answers, but when we finish with all the task forces, all the special movements, and the special agreements, the reality of life is, as the chief has said to me, drugs are more plentiful than they have ever been before.

There is a lot of energy going into this effort, everybody is sincere, but the bottom line is that it is as easy to get heroin and PCP on the street today as it was a year ago, or 2 years ago. I don't know what you do about that.

Senator SPECTER. Well, the PCP is manufacturable locally. The heroin is imported. This is a subject on which more has to be done at all levels. It really raises a fundamental point as to whether given the economics of the $100 billion a year take in this field, that even all of these efforts are sufficient to try to cope with the problem.

MAYOR BARRY'S IDEA OF CONTROLLING THE MANUFACTURE OF DRUGS

Mayor **Barry**. Mr. Chairman, I had an idea. I just thought about it last night. I was thinking that it is something to look at, both externally and internally. I guess this is my science background at work. It may be that, in addition to other agreements that we are making with the other countries, we should find out who the manufacturers are of the chemicals that are used to break down the poppies into the morphine base and try to figure out a way to establish a control system of these chemicals. When I was in Bangkok, Thailand, I was informed that a number of these chemicals are manufactured in the United States of America pertaining to PCP.

Some of those chemicals are rather common, and some of them are not. It may be that one of the approaches that the U.S. Government can take is to start a control system of the chemicals that go into the manufacture of PCP, and the transformation of poppies into heroin, or other morphine-based products.

That is just an idea that we could explore. It may be that in the District of Columbia, Maryland, and Virginia, we could find a way to see what those ingredients are, and make a controlled substance law that would control very tightly those ingredients that are not commonly used in everyday business.

I am not asking about whether this makes sense, but I thought I would put it out for consideration.

Senator **Specter**. It is an interesting idea, Mayor Barry. I do not know the answer to the question of chemical composition. Do you, Mr. diGenova?

PRECURSOR INTERDICTION PROGRAM

Mr. **diGenova**. We have a program under way, called Precursor Interdiction Program, and the purpose of that is to identify through a process of notification to the Drug Enforcement Administration, the sale and distribution of key chemicals which are used in the manufacture of dangerous drugs. It is those precursor notifications by the wholesalers and the retailers, and through the checks of the Drug Enforcement Administration which have led to the identification and location of various PCP labs, not only in the metropolitan area, but all over the United States, so the Precursor Interdiction Program, which the DEA has, is working in that area.

The question as to its extension beyond those bounds to other areas would be an interesting one for the committee to pursue with DEA, which I am sure would be delighted to offer to the committee its notion, and there are members of the Metropolitan Police Force who have drafted a proposal to try to do some local legislation in this area to create a local type of legislation dealing with the same kind of interdiction which would involve a coordination between State and local people. And we obviously are in support of anything like that which would make the job of the police easier, if it could be done within the bounds of the Constitution.

INTERESTING IDEA PROPOSED BY MAYOR BARRY

Senator SPECTER. Mr. Mayor, you raised an interesting idea. It shows the value of possessing a master's degree in chemistry.

Mayor BARRY. Especially analytical thinking.

Senator SPECTER. It wasn't kindered by your background, Mr. Mayor. I think it is something to be pursued. I was discussing recently with Senator Kasten, the chairman of the Senate Appropriations Foreign Operations Subcommittee, there are some aspects of terrorism which seem to be linked to drug sales internationally.

The question has arisen with respect to the assassination attempt on the Pope, and the Turks who were involved in the trafficking in heroin, and it may be that we are going to have to be a lot more active on the international level in trying to shut down the sources, and the ingredients of PCP may provide another avenue for shutting down the source.

Mayor BARRY. Let me make a couple of comments in that regard, again from my having visited Thailand in May. I was talking to government officials about the heroin supply, because that area is an area where a lot of it comes from. I think the problem is more difficult than we realize in the sense that some of these farmers and others are well armed and well equipped. It is like an army.

In fact, I think the Thai army had lost about 45 persons in the last year trying to invade these fortresses. They have machine guns, helicopters, and everything to protect their products.

ESTABLISHING A BLUE RIBBON COMMITTEE ON PCP

The other idea I have, that I have talked about to McBride and others, is to establish a blue ribbon committee on PCP. We can bring in all members of the community to give us ideas as to what we can do about PCP.

The other thing I think we have to do, Mr. Chairman, and the chief can speak to this better than I can, is to break the silence code. It is difficult to get people at a high enough level to come forward to talk about this problem, and who is involved in what. That is why I guess some of us were very surprised that one of the key people in Italy had agreed to talk, and gave names of people there.

Even community people are reluctant to call in on our hotline, which is anonymous, to give information about those persons they think are involved in selling drugs on a large scale.

I think some of it is fear of retaliation, and some of it is just a code of silence. I don't know what it is.

OPENING REMARKS OF POLICE CHIEF TURNER

Senator SPECTER. Chief Turner, let us turn to you. You are one of our listed witnesses, having the enforcement responsibility for the drug laws in the District.

What is your assessment of the current problem of drug usage in the District of Columbia?

Chief **Turner**. Mr. Chairman, I make the same assessment that the two previous speakers made; drug use is up and it is continually going up.

We know from the seizures that we make that drugs are very plentiful, the purity is high, and the number of arrests are way up. We are arresting somewhere around 8,000 people a year for violation of the drug laws.

The problem is so serious that approximately 1 percent of the police department has dedicated at least 70 percent to 100 percent of their time to enforce only the drug laws, and it is a continual thing. It is continually assessed for the allocation and deployment of manpower.

Again, people are willing to take the risk to become entrepreneurs, because it is so profitable to deal in drugs. Until we take the profit away, we are going to have people who will continue to take that risk.

One other point that I would like to make is that somewhere between one-third, or a little less than one-third of the homicides that we have in this city are narcotic related. Traffickers who sell large amounts of drugs involving large amounts of money, and don't pay their suppliers sometime end up as statistics in the medical examiner's office as a homicide victim.

I would say the problem is quite serious, Mr. Chairman.

Senator **Specter**. Well, you really wonder just how far the problem goes in the light of the indicator which we see, which are to use the traditional expression, the tip of the iceberg.

You have the report on the school busdrivers, where the urinalysis was made, and 32 school busdrivers were suspended, and the cause of the testing was reported in the Washington Post this morning, was due to the fact that there were 57 accidents in 1982, 82 in 1983, and the school system spokesman justified the test on the grounds of a responsibility to protect the children who use the buses.

If you had urinalysis more broadly than school busdrivers, you might find a lot more people, if you had urinalysis of everybody in this room. Maybe we are not fit to perform our duties in the U.S. Senate, or anybody here. If we are on drugs, how rampant is the problem? How much does it invade efficiency of our operations?

GIVING URINALYSIS TESTS

It is a shocking, startling, frightening aspect. Where do we go, Mr. Mayor, with the school busdrivers?

Mayor **Barry**. Mr. Chairman, first of all, let me commend the school for taking that action. The police department has a policy which I have insisted be enforced, and that is when police officers go in for their annual physical, they are required to give a urinalysis. Of course, there are deficiencies in that, because people are only supposed to go, and I assume if you are smart enough——

Senator **Specter**. Is that just on the annual physical?

Mayor **Barry**. Yes.

Senator SPECTER. What would you think about a spot check of all the people in the police department?

Mayor BARRY. I would support it, but I think the union leadership, and the membership have opposed it. We have suggested that for the fire department, and the union leadership said they would fight that kind of invasion of privacy.

Senator SPECTER. Well, it is sort of an invasion of privacy just at random—our laws with respect to search and seizure, or our laws with respect to testing require probable cause.

It is offensive to our general standards of law enforcement, or inspections, just to pick people at random, just because they happen to be police, firemen, or Senators, or what have you, but you really wonder how much an efficiency there is, and how much ability there is to perform duties, when you see a test like the one on school busdrivers.

Mayor BARRY. Mr. Chairman, if you look at the narcotic overdoses, and if you look at the number of arrests of drug-related activities, the preliminary indication would lead to the conclusion that among the D.C. government work force, it appears that drug use is less prevalent than in the general population at large.

LOW DRUG USE AMONG D.C. EMPLOYEES

Senator SPECTER. Why do you think that, Mr. Mayor?

Mayor BARRY. I am not an expert in this area, but I suspect that when we hire people who are fairly stable and who earn an income they don't need that crutch. I don't know.

Also, we have a drug and alcohol counseling program, emphasizing the fact that they are public servants. I think our supervisors have had some experience, not enough, but some experience in detecting serious drug use.

Obviously, if someone is an occasional drug user, I have been told that it is not as detectable. We have very few of our own employees in our treatment programs.

Why is this the case? I like to feel that they are committed to work on it, but I am not sure.

Chief TURNER. Mr. Mayor, I think you can also add to that of the people we arrest, very few are D.C. government employees.

Mayor BARRY. Hardly any of them are. I think there is a relationship between the psychic well-being and the income level of an employee. I am just speculating, Senator. I have some experts who may want to speak on it, but I have listened to them enough to learn from them.

Also, I think maybe our efforts to try to get people to come to work regularly. We have a very tight policy on the use of sick leave. It makes it more of a hassle than a good feeling to use drugs. These are speculative reasons of course.

Senator SPECTER. Mr. Mayor, I have no reason to doubt that. You just wonder how widespread drug usage is, and when you see a report that 32 busdrivers and bus attendants failed, and it appears from the media report that there were approximately 200 part-time and 100 full-time transportation workers who took the test for a total of some 300, that 32 is a very high percentage, more than 10 percent, and it leads to the speculation as to how widespread the problem is.

Mr. Mayor, I think your idea for a blue ribbon committee on the PCP is a good idea.

I think we really have to go back to the drawing board and try to figure out where we go next. We have done a lot, but I think we have to do more.

REHABILITATION EFFORTS OF DRUG ABUSERS

Let me ask Dr. Mitchell, who is here from the Alcohol and Drug Abuse Services Administration, as to how your unit is doing with respect to the rehabilitation efforts you are making in that important unit?

Mr. MITCHELL. Well, the Alcohol and Drug Abuse Service Administration, which is in the Commission of Public Health, is involving both city employees to operate approximately 10 programs, and using the private sector contractors to provide services that we can provide where we are not totally staffed up, and those programs try to target needs of target populations.

For example, we support Andramada, which is a Hispanic contractor who provides services for a Hispanic population.

The Walt Whitman group, who targets services for both drug and alcoholic services and the gay community.

RESOURCES FOR DRUG REHABILITATION

Senator SPECTER. How are your resources spread? Are they sufficient given the magnitude of the problem? I know it is difficult for you to cope with the limitations of budget which come to you to deal with all the problems you have, but what is your overall assessment of that?

Mr. MITCHELL. We have made considerable improvements from the fiscal year that just ended. We are coming into fiscal year 1985 with an increase of 23 percent over last year, and our first cut at our 1986 budget is about 41 percent. So over the last 2 years, going into 1986 we will have increased our budget resources by a little better than 100 percent.

Now, as you have heard already from the other persons who have spoken, it is a very serious problem of significant magnitude, and our view is that with all the money the city may provide will not necessarily be the panacea for handling the problem, and a part of what we are trying to do, as you have heard, is to generate a serious and committed interest in every single ward in the city. As of last Saturday morning, over at the Union Temple Baptist Church, we concluded an all-day workshop with residents from ward 6. That was a completion of having had workshops in each of the city wards during the last 2 months.

Our concern is that it is a disease. There has to be serious health promotion, but it must involve every aspect of the public and private sector. So we are looking at it from the community up and from the top down.

Senator SPECTER. Are the resources being devoted to the aspect of the problem sufficient?

Mr. MITCHELL. I would say generally to the extent that we have been able to program and get staff on board. We are kind of handling it that way, but I think that in the larger picture, with more significant involvement from the community who will need some support, there is always a possibility of extending our resources to do more alternative kinds of programs.

Senator SPECTER. Mr. Mayor, I would offer this invitation to this administration at this stage. We are looking now at fiscal year 1986, but it is not too soon to plan what we are going to do about the drug problem in the District of Columbia, and I would invite your analytical thinking, the blue ribbon committee might go beyond the PCP analysis, and might go back to the drawing board as to what we are doing in this model city, the District of Columbia, to cope with drugs, as you look forward to the next year's budget on what you are going to be coming forward and say you need by way of resources. Because I, for one, would be receptive to a hard look at what resources it takes to deal with the problem to the extent that the city administration can.

Mayor BARRY. We appreciate that. We intend to. In fact, we are in the process of looking at what resource requirements would be necessary in 1986, and at least try to do more.

I guess if some of us at this table sound pessimistic, it is not that we really are. It is just a frustrating area to deal with, as you have probably realized now.

DRUGS AS THE NO. 1 CRIME PROBLEM

Senator SPECTER. I do. I travel extensively. I have been at many meetings in the past few months, and the Roper poll shows that this is the No. 1 problem, trying to solve the problems of crime and drug. Eighty-four percent want a major effort made. Some effort, 14 percent, so 98 percent of the people tested and quizzed raised that as a problem. Trying to reduce unemployment is in second place. Trying to slow down inflation in our economy is in third place.

The No. 1 issue is drugs and crime, and I have heard it all over Pennsylvania, and I see it in this city, and I think we really have to go back to the drawing board and figure out where we go.

ADEQUACY OF FEDERAL RESOURCES

Mr. diGenova, I would ask the same question of you, in terms of the adequacy of the resources, and this may be something that would be appropriate for joint hearings by the Criminal Law Subcommittee, on which I serve in Judiciary, and the Foreign Operations Subcommittee of Appropriations, trying to put together the pieces.

There has been a great allocation of additional resources by the Department of Justice, and the question is, is it sufficient?

Mr. DIGENOVA. Well, Mr. Chairman, knowing as I do the great interest that the people in the Department of Justice take in questions with regard to resources, I am sure that they would be happy to sit down at an appropriate time in an appropriate forum and discuss that with you in some detail.

Senator SPECTER. There is an interesting book which is out by Neal Welsh, a former special agent from the FBI, and David Marston, U.S. attorney, dealing with the problem of lawyers who handle the big cases. And this came up yesterday in the hearing by the Administrative Practices Subcommittee of Judiciary, where Steven Trott was there, and the question came up about the adequacy of U.S. attorneys, and the possibility of using the British system to use special people to handle the big cases, where the heavyweight people come in on the other side, and the difficulty the U.S. attorney has in handling these cases.

EFFORTS OF FEDERAL GOVERNMENT TO COMBAT DRUG IMPORTATION

Mayor BARRY. Mr. Chairman, let me add another point. I still maintain from my limited travels abroad, that I think there are some specific things that the U.S. Government could do. Most enforcement people indicate that most of the cocaine coming into this country comes from Colombia. That is what the chief tells me, and that is what I hear. There are flights coming into the United States every day. I have been told that you can train certain dogs to detect drugs that we are not using.

It is not my responsibility to figure out answers to the immigration and the international flights, but it impacts on us. I am not sure we have put forth our best and creative thinking in these areas. As in the case of south Florida, when you start apprehending over here, it is like a piece of putty. You push this one, it gives over here. If you stop south Florida, they start off the Louisiana coast.

This is high-powered business, and it is dangerous. These people use sophisticated weapons, too, to kill people. I think there is something we can do that doesn't cost a lot of money, but it does make it more difficult to get it in, recognizing there are all kinds of ways to bring the stuff in here. But I do think the U.S. Government could play a more expanded role, and money could help in that regard as well as a commitment to deal with some of these governments.

The problem I think you have in some of these instances, is that even some of these governments don't have control over the whole country, they have control over some parts of the country.

It is a very complicated problem, and I do think there are simple answers.

I have talked with the chief, and he has not been unresponsive to this. I was joking one day, and I said why don't we train some of our police dogs to detect heroin and drugs. I said maybe in some areas where there is heavy drug concentration, we can put a few, and try to apprehend a few people.

I guess it is out of frustration that we think about these kinds of things, trying to think about what we can do.

Senator SPECTER. I was interested in your opening statement, where you talk about the military might of the United States being used on the drug problem. Any statement on how we can use our military might? Does the District of Columbia have a military policy?

Mayor BARRY. We are involved in international affairs. I think the use of the Coast Guard and the use of surveillance planes are good military efforts. It is my understanding that we have the technology to fly very high and take very detailed photographs of the earth. We could use this, I think, to detect poppy crops and other kinds of crops.

Again, as long as there is an economic incentive here, it is going to be difficult, but I do think the military can be of great assistance in the interdiction process.

I know there has been some controversy as to how far the Coast Guard and the Air Force ought to go in the use of its technology. I think we ought to go full blast.

As I understand it, Mayor Koch suggested not long ago, and I think I am correct, when he said we ought to bomb some of these ships coming here loaded down with drugs. I think he said that.

I wouldn't go that far, because you don't know what is on these ships, but I think at least we ought to look at using everything we can to stop the drugs from coming in.

Senator SPECTER. Well, I think this session is useful. I convened the hearing because of the obvious problem in the field as related by all the statistics, the massive efforts which have been undertaken, the polling data is very illuminating when you see the problem of crime and drugs is substantially ahead in the American mind, of inflation, unemployment, and nuclear arms control. And as we look to fiscal year 1986, assuming we get a continuing resolution for fiscal year 1985, these matters ought to apply center stage, and I think it is frustrating to an extent. We are going to have to analyze it and come up with our budgets for next year.

Do you have anything you would like to add?

DAMAGE DRUGS DO TO FAMILIES

Mayor BARRY. One aspect we have not talked about, that is the damage this does to families. I am sure we all recognize it, but just for the record, it is excruciatingly painful to see young kids who, themselves, are drug users or their fathers and mothers, and the damage it does to families. It divides families, both alcohol and hard drugs, and the city and the Federal Government end up picking up the social cost.

It is destroying some young minds, particularly this PCP. It has a devastating effect on some of our young people. I think this is the thing to do, and we have to figure out how we make it not the thing to do.

On a lighter note, Mr. Chairman, I am awfully sorry you couldn't join us in our box on Sunday to see the Redskins be victorious against the Eagles, but we understand the Senate was still trying to keep the Government running, so I will invite you to the Dallas game and we will beat Dallas, too.

Senator SPECTER. Well, I was very sorry not to be able to accept your invitation, until I saw the score. [Laughter.]

Senator SPECTER. Mr. diGenova, anything you would like to add at this juncture?

Mr. DIGENOVA. Senator, I just wanted to add, as you know, this effort is not going to stop at the water's edge. The Attorney General has indicated a continuing desire to increase the effort by the Department of Justice for all the reasons that have been given at this hearing.

As you know, in 1981, the Department of Justice, for the first time, brought the Federal Bureau of Investigation into the fight against drug trafficking, and that same year we successfully sought modifications of Federal law in order to bring our military into the fight, and as you are well aware of the amendment to the posse comitatus statute, which pointed the use, and since 1981, again the Department has substantially increased its resources by adding 2,000 new prosecutors and investigators, most of whom are involved in the enforcement effort. I think in terms of the subject matter you have so wisely addressed this morning, it is clear in whatever efforts you wish to make in this area, that the U.S. Attorney General, and our office, insofar as it affects the District of Columbia, will be delighted to work with you, and are indeed encouraged by your sincere interest in this very serious problem.

Senator SPECTER. It has been a very high priority item, Mr. diGenova. No question about it, and the prevalence of the problem is a matter of concern, notwithstanding all of our efforts. And that is why I think we have to take another look back at the drawing board and see if we cannot do something more.

SUBCOMMITTEE RECESS

Thank you very much, gentlemen. The hearing is adjourned.

[Whereupon, at 11 a.m., Tuesday, October 2, the subcommittee was recessed, to reconvene at the call of the Chair.]

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1985

WEDNESDAY, DECEMBER 12, 1984

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, D.C.

The subcommittee met at 10:05 a.m., in room SD-192, Dirksen Senate Office Building, Hon. Arlen Specter (chairman) presiding.

Present: Senator Specter.

DISTRICT OF COLUMBIA

SUPERIOR COURT

STATEMENT OF HON. FRED UGAST, PRESIDING JUDGE, CRIMINAL DIVISION

OFFICE OF THE U.S. ATTORNEY

STATEMENT OF HON. JOSEPH DIGENOVA, U.S. ATTORNEY FOR THE DISTRICT OF COLUMBIA

METROPOLITAN POLICE DEPARTMENT

STATEMENT OF INSPECTOR EDWARD SPURLOCK, REPEAT OFFENDER PROGRAM

OPENING REMARKS

Senator SPECTER. Good morning, ladies and gentlemen. We will begin this hearing of the District of Columbia Subcommittee of the Appropriations Committee, on the subject of career criminals.

This is a subject that is of great importance because of the established fact that a few criminals commit so many crimes. There has been an ongoing policy by the U.S. Attorney's Office, the Washington, D.C. Metropolitan Police Department, and the courts to recognize the special problem of career criminals and to deal with it.

There is a new Federal legislative effort on this subject that I have been working on for some time which gives us an additional weapon to work with in the context of the Federal law, which now makes it a Federal offense triable in the U.S. District Court where someone has been convicted of three or more robberies or burglaries and is found in possession of a firearm. And it is my interest in assessing what the existing laws are prior to the Federal legislation, in what way this subcommittee might be helpful in providing assets on this critical problem, and then an evaluation as to how the new legislation might be used in the very unique circumstances where, in Washington, D.C., we have the U.S. attorney who is both the Federal prosecutor and is the equivalent of a State court prosecutor, which opens the possibility of again, Washington, D.C. being a model city and taking a model approach on combating this kind of a problem.

That is the parameter which I am concerned about, and I very much appreciate the cooperation of the U.S. attorney, Mr. diGenova, and the District of Columbia Superior Court, with Judge Ugast here again today, and with the police department and Inspector Spurlock.

Judge Ugast, with the primacy of the judiciary, let us turn to you first. We welcome you here. We appreciate the fine work you are doing, and we thank you for the statement which you have submitted and look forward to your testimony.

STATEMENT OF JUDGE UGAST

Judge UGAST. Thank you, Mr. Chairman.

I am happy to be here this morning, and I am appearing in behalf of Chief Judge Moultrie who I believe you know is recovering from eye surgery, and asked me to express his regrets for not being here.

Senator SPECTER. Yes; we understand, of course, and give him our very best. We wish him a speedy recovery.

Judge UGAST. Thank you.

Well, I think today, there are many positive notes that we can bring to the subcommittee's attention. Through your efforts and the efforts of your subcommittee, we have our seven new judges all sworn in. The last one was sworn in November 9. We had a training period for them for a couple of weeks, and they are all now sitting, beginning on November 19.

The creation of these new judgeships has permitted us to take some steps which we sincerely believe are going to permit us to accomplish some of the goals that we have talked about but have been unable to accomplish in light of the very heavy caseloads that have been existing on our criminal calendar.

With the new judgeships, in cooperation with the U.S. Attorney's Office, and working together, we have made a number of changes both in the classifications of certain types of cases and in the establishment of new calendars. That is the big thing I would like to report about.

One of the changes that we made, which was small in terms of numbers, involved the reclassification of the child sex assault cases to what we designate as a felony I case, heretofore they had been felony II cases. The U.S. Attorney's Office, as Mr. diGenova no doubt will mention, feeling the importance of a single prosecutor dealing with child victims, facilitates the handling of the cases by using a vertical process with a single prosecutor, I believe, from the start, and these cases are now being assigned to calendars that on the whole are smaller in volume and should move more quickly.

Also as an aside that you are probably aware of, I believe when we were up here not the last time, but the time before that, the Child Abuse Reform Act had been passed and was awaiting the congressional review period. This act deals with the elimination of the need for corroboration of children's testimony in that regard.

Now, effective November 19—turning more particularly, I think, to the matter of the repeat offender, the career criminal individual who has committed violent crimes and as you have indicated previously yourself, accounts for a very substantial portion of the crimes, a small number of people—we established two new calendars which we have designated as accelerated felony II calendars and Chief Judge Moultrie has assigned two of the most experienced judges in the court to those calendars.

Here again, working with the U.S. Attorney's Office, and feeling that it is very important for these calendars to move quickly and promptly, we have at this point been selective in the types of cases, or the criteria for the cases, that we designate.

NUMBER OF CAREER CRIMINAL DOCKET CASES

Senator SPECTER. Let me interrupt you here for a minute, Judge Ugast. As you know, our hearings are very informal, and that is why I had you and Mr. diGenova and Inspector Spurlock all together, so if any of the questions overlap, we can move from one to another. How many career criminals are there on the docket to the extent that you can give a number, with the definition of the career criminal being someone who has committed three or more robberies or burglaries?

Mr. DIGENOVA. Well, we do not use that definition, Senator, of three or more robberies or three or more burglaries, No. 1, as is required under the Armed Career Criminal Act. What we can tell you, under existing criteria, in 1982, we processed 679 career repeat offenders; in 1983, 696; and in 1984, in an effort to tighten criteria so that we could get the more serious offenders, we are projecting we will handle 580 cases.

Now, in 1985, we are projecting with the new criteria we are using that we will have 700 chronic offenders handled through these accelerated calendars in 1985.

DEFINITION OF A CAREER CRIMINAL

Senator SPECTER. Mr. diGenova, what is your current definition of a career criminal, for the purpose of these accelerated calendars?

Mr. DIGENOVA. Well, currently, we are using individuals—for purposes of the chronic offender calendar—we are using a definition of individuals who are on pretrial release, probation, or parole for a crime of violence and who commit another crime of violence. That is the standard operating definition at this point. In other words, those who are on pretrial detention for any of these crimes and who also are on parole or probation for these, or individuals who are on an interstate agreement on detainer who are charged with a crime of violence, because they have to be tried within a very specific period of time; otherwise, the charges have to be dismissed. That is basically what it is—people who have been convicted of crimes of violence who are on parole, probation, pretrial release or interstate detainer or pretrial detention for another crime of violence.

Senator SPECTER. That is a good definition. It is not easy to get a definition that everyone agrees to, obviously. Under that definition, you might have someone who has been convicted of only one prior crime of violence, who has been convicted of one prior robbery, be on probation or parole, and be charged with a second robbery.

Mr. DIGENOVA. That is correct.

Senator SPECTER. So he would not qualify for the armed career criminal bill.

Mr. DIGENOVA. No.

Senator SPECTER. And by the same token, that calendar could exclude somebody who has been convicted, say, of five armed robberies but is not now on parole or probation.

Mr. DIGENOVA. That is correct.

ARMED CAREER CRIMINAL ACT

Senator SPECTER. I certainly think it is a good idea to have the categories more expansive, as expansive as you can cover them with the facilities you have. Would you consider it practical to try to expand that category to cover people who have charges within the purview of the new legislation—somebody who has three or more robberies or burglaries?

Mr. DIGENOVA. Well, what we are proposing to do, Mr. Chairman, is this. I am glad you raised the issue of the Armed Career Criminal Act.

Lowell Jensen, the Associate Attorney General, has been in contact with me within the last 30 days to discuss using the U.S. Attorney's Office for the District of Columbia as the pilot model U.S. Attorney's Office for the implementation of the Armed Career Criminals Act. Knowing as he does that we already have a chronic offender unit operating in our office very successfully, he thought that if we could establish a program of implementing the Armed Career Criminal Act in our office, where we would not have to cross-designate prosecutors, but use our own by simply shifting cases to U.S. District Court, we would get an idea of what kind of numbers we are talking about for other U.S. attorneys across the country.

As a result of that, I have agreed to have the U.S. Attorney's Office for the District of Columbia be the pilot program in implementing your piece of legislation. We are now in the process of identifying numbers of potential cases which would qualify under the Armed Career Criminal Act, and we are going to be reporting that information to the department, and I am sure the department would be delighted to share it with you.

At this time, however, I cannot give you any numbers. We are trying to identify through case review—we have a rudimentary, I am sorry to say, computer system in our office, which is hopefully going to be updated in the next year or so—but it is a time-consuming process when you want to go back and historically identify potential numbers. But we are now identifying them at intake, and we would be providing that information to the department within a reasonable period of time.

Senator SPECTER. What timespan do you anticipate, Mr. diGenova? Will you have it, say, by the end of the year?

Mr. DIGENOVA. I would hope we could have a preliminary report on the kinds of numbers that we are looking at by the end of the year.

NUMBER OF FELONY CASES PENDING

Senator SPECTER. How many cases do you have pending overall on the criminal docket?

Judge UGAST. On the felonies, we have 2,614 cases as of November 30.

Senator SPECTER. Would possession of a firearm without a license be a felony case?

Mr. DIGENOVA. It can be if there is a prior conviction for the same offense or a prior felony conviction.

Senator SPECTER. All right. So then, there would be comprehended within your felony category all cases which would be prosecuted under the armed career criminal bill?

Mr. DIGENOVA. Oh, absolutely, yes, certainly.

IDENTIFYING NEW CASES UNDER THE ACT

Senator SPECTER. All right, fine.

The situation that I would like to see some experience on would be to identify, as you are currently working to identify, all cases which would be prosecutable under the armed career criminal bill, and then to take a few of those to your other jurisdictions, to take them to the U.S. District Court where it has the mandatory minimum of 15 years, the Speedy Trial Act, the individual judge calendar. My experience as a prosecuting attorney in Philadelphia, where I had about 500 of these cases, was that there was great difficulty in getting them tried because of efforts by defense lawyers to move from one judge to another, "judge shopping," a very prevalent practice when I was District Attorney in Philadelphia. And then, on conviction, real problems as to sentencing. And I have a sense that, had I had such a statute available and could have asked the U.S. attorney to handle, say, five of them, the other 495 would not have known who was going to be next, and there would have been an inducement of a great number of guilty pleas. And I am not unaware of the interrelationship of the situation of somebody raising a legal issue; we are used to that in the criminal courts. But I think it is a fair process, and if guilty pleas are induced, I think it puts the prosecutor and the court in a much better position to get a decent sentence. It is not going to be 15 years to life, and many of these cases should not have a sentence of 15 years to life. But that is the kind of dynamics which I think you have a unique opportunity to experiment with.

Mr. diGenova. Those dynamics are operating right now, Senator. In fact, in my conversations with Mr. Jensen, we not only visualize identifying cases, but also transferring them to the U.S. District Court for prosecution under that specific statute. In other words, this is not merely an exercise. This is an actual effort to identify new cases. We cannot prosecute old cases, but newer cases, which will qualify under the criteria.

The review of old cases is to simply try to get a feel for the numbers we might be talking about, in terms of transferring from superior court to U.S. District Court. I do not tend to think right now that those numbers are going to be very high. My initial review of factors indicates that the three prior convictions for robbery or burglary are going to reduce the numbers that would be eligible for transfer. But we cannot have a definitive answer on that right now. But we are actively seeking cases to transfer to district court under this statute.

Senator Specter. Well, you are quite right, Mr. diGenova. You are really going to be looking at cases where the offenses occurred after October 12, 1984, which I believe is the date of the law. And its effect is to be effective immediately upon signing, which was October 12.

ADEQUACY OF CURRENT COURT FACILITIES

I am glad to see that you are on that track.

Judge Ugast, what is your view as to the adequacy of the current facilities that you have, judges and courtrooms, to accommodate these career criminal cases under the current situation?

Judge Ugast. Well, we are very tight, as you know, on our courtroom space, and we are using seven courtrooms outside the main building, courtrooms that were in existence from the days before we moved into the new building in 1978. That presents problems for us in the sense that Chief Judge Moultrie has made it clear that all criminal matters must be held in the main building where we have the security that would not exist if we had to go to the other buildings.

Senator Specter. What kinds of cases are being heard in the other building then?

Judge Ugast. Civil and some family. Another problem is presented when judges rotate into civil and family assignments, probation revocation matters, and sentences for 6 or 8 weeks after they leave an assignment in the criminal division. This means what we have had to do is designate seven courtrooms in the main building, available from 9 to 9:30 and 4 to 5, so that those judges can come back over and have a secure courtroom and a secure cellblock for prisoners in connection with the criminal matters which they still have. It presents some serious problems, and we are tight on space, frankly, for our senior judges to be able to utilize them as full as we would like. It is a matter that I know Mr. Polansky is dealing with with the Chief Judge, more than I, in trying to make some changes that would allow us to construct new courtrooms.

Senator SPECTER. What are the plans? What is the way to improve the situation? Do you have a way out?

Judge UGAST. Well, it is my understanding—and I would defer to Mr. Polansky on that——

Senator SPECTER. Mr. Polansky, you are welcome to join us.

[CLERK'S NOTE: Mr. Larry Polansky is Executive Officer of the District of Columbia Courts.]

Judge UGAST. There is some construction that we would have to do in the main building to build seven new courtrooms, and that involves moving people already there out. It is not a short-term process. But Mr. Polansky might just comment.

Senator SPECTER. I would be interested to know about that, Mr. Polansky.

Mr. POLANSKY. Judge Ugast has touched upon it. Starting with moving the U.S. attorney out of the main courthouse building, we have plans for the creation of seven new courtrooms in the existing facility, with the ability to utilize the existing criminal delivery system, which includes the prisoner delivery to courtroom, access to cellblock areas and private corridors, and reasonable proximity to seven judicial chambers. This will put us back into having almost enough room for the judges that we have and the retired judges who contribute to work. It will not put us in any "lap of luxury," to say the least, because we did not have an outstanding facility, because of limited size, before this addition.

Judge Ugast did not mention that there are also significant problems with U.S. Marshal services; because we have expanded with seven additional judges—at least five of whom will man additional criminal courtrooms—effective the first of the year. I do not think that the marshal service has expanded any of the services provided, and that is going to be a big problem.

FUNDING FOR COURTROOM RENOVATION

Senator SPECTER. How much funding did we give you for renovation in the 1984 plan?

Mr. POLANSKY. You gave us $1.8 million, based on——

Senator SPECTER. Was that too much, Mr. Polansky—how much too much was that?

Mr. POLANSKY. It was, negatively, too much by about $5 million, or $4.5 million.

Senator SPECTER. Do you know what Mr. Stockman thought about that money?

Mr. POLANSKY. What he thought about it? He thought it was too much.

The city's latest estimate, based on the architect that they hired, is that the work will require approximately $6 million——

Senator SPECTER. I would like you to keep this subcommittee current with what you are doing, and we will be in the midst of budget hearings again soon, and we are very sympathetic to your problems, as you work through on this. I just wanted to touch that very briefly.

Keep your seat, Mr. Polansky. There is no reason for you to step back.

AVERAGE LENGTH OF CRIMINAL CASE

With respect to the criminal docket generally, what is the length of time that it takes to try a case, say, on the average, or what is it like on the longest kinds of cases that you have awaiting trial?

Judge UGAST. Well, the average is running about 1 year from filing to sentence, and maybe a little over that in some cases. The difficulty with that is, it is the time the case is in the process, but that involves investigations, awaiting action of the grand jury, grand jury action, and the figure I have is 365 days for some types of felonies——

Senator SPECTER. The big timespan is between indictment and trial?

Judge UGAST. Well, the U.S. Attorney's Office has been working recently to have same-day presentments to grand juries in certain types of cases.

Senator SPECTER. They finish their investigation, don't they, before the arrest, customarily? Do you do most of your investigation after the arrest, Mr. diGenova? The judge mentioned investigation; I think you've got that finished before you make an arrest.

Judge UGAST. Well, there are some troublesome cases, particularly homicides, that I am dealing with, but it is obvious that several investigative months frequently are involved in that type of case.

Senator SPECTER. There are two big-time problems. One is in bringing the case to trial, to verdict. Then you have a problem post-verdict, on post-trial motions and transcripts. You must have that problem on deferred sentencing. But if your average is more than 1 year, you must have a lot of trouble cases which are 2 years or more. I used to have them that would drive me crazy, that would be 2½ years. Some defense lawyers would have a tremendous number of cases, and you just could not get them processed.

Judge UGAST. The conflict in attorney assignments is a matter of concern, particularly in the scheduling of trials, because the attorneys are not a large group, particularly in the major cases, but you frequently find, in trying to set trial dates, that you are running into conflicts.

Senator SPECTER. What I would like you to do—and this is not today's subject—but as we approach the next season's budget hearings, I would be interested to see what is the timespan when a case is ready for trial, to get it into a courtroom, and after you get a verdict, what is the timespan, the sentencing, which is problemsome, the factors, and where you might apply additional resources to speed up that trial process.

And on that, I would be interested to know how many people are on bail, and how many people are in detention, because that involves the problems of Lorton and the District jail and the problems of crowding there, and that involves the issue of risk to the community on bail.

BACKLOG OF CASES IN U.S. DISTRICT COURT

Mr. diGenova, what is the calendar like in the U.S. District Court for the District of Columbia? What kind of backlog problems, if any, do they have?

Mr. diGenova. Well, the biggest problem in U.S. District Court, Mr. Chairman, is the civil docket which, as you know, is one of the largest in the United States, and of course, there are very serious constitutional issues pending there all the time. Most of the major agency actions are brought in the District of Columbia.

There are well over 3,000 civil cases pending in the U.S. District Court, as my belief at this point. The criminal calendar is current, basically, because——

Senator Specter. You have to be, because of the Speedy Trial Act.

Mr. diGenova. Well, that is one reason, that is correct, and of course, it is generally current in most U.S. Attorney's Offices, because the largest number of cases in criminal matters are in local courts, not in Federal courts. But we are current over there.

SPEEDY TRIAL ACT

Senator Specter. The Speedy Trial Act requires trial within 90 days?

Mr. diGenova. Yes.

Senator Specter. And there are some exceptions if the defendant is not ready.

Mr. diGenova. There are various exceptions, but after arrest and indictment, the time begins to run. If the matter is dismissed, or if it is an original investigation where there is no arrest, obviously, there is no speedy trial problem.

Senator Specter. But if there were to be some cases transferred, extra cases, under the Armed Career Criminal Act, it would not—I would not anticipate there would be very many, in any event. I do not think you are going to need very many for the leveraging process.

Mr. diGenova. No, no.

USEFULNESS OF ARMED CAREER CRIMINAL BILL

Senator Specter. Judge Ugast, you may really find this armed career criminal bill helpful to your backlog, because you may induce a lot of guilty pleas, which will speedup trial dispositions on a category of tough cases.

Judge Ugast. We, of course, already have enhancement provisions in our court that are very heavy, where you can have life papers filed by the U.S. attorney in cases with two prior felonies involving crimes of violence. So that we have a substantial potential sentence available in our court—not mandatory, as in the bill, but placing the individual potentially subject to a life sentence.

I am inclined to agree the numbers are not going to be large, but we will know a little bit more after this—but it could help us in that way.

REPEAT OFFENDERS PROGRAM

Senator SPECTER. Inspector Spurlock, we have been talking about procedures and courts up until now, but we do not want to ignore the contribution and participation of the Metropolitan Police Department.

We are pleased to have you here and welcome you and look forward to your testimony.

Inspector SPURLOCK. Thank you very much.

Chief Turner has asked me to express his apologies for not being able to be here today.

It is a pleasure to be here today to talk about the issue of repeat offenders in the Nation's Capital. In my opinion, repeat offenders is where we can get the most return for our money. It is something I think the criminal justice system throughout the country has seen for many years.

As you know, I am the commander of the repeat offender project, and as such, I deal with them every day. Our definition of a repeat offender is totally different because we are a perpetrator, proactive organization, and we look at what we think the criminal is doing, not what he was convicted for. We simply target people we believe are committing five or more serious crimes a week, not necessarily violent crimes, simply because that is the way a police department is judged, on the number of crimes that occur in its jurisdiction, not necessarily violent crimes, but all crimes, all part I crimes. Of course, we would give priority to a violent criminal.

In trying to research and help with this armed career criminal legislation, I have found that approximately 7 percent of all arrests for part I offenses in the District of Columbia involve a firearm. Now, if you look further—and again, this is a tentative number—you will find that probably less than 1 percent of those would qualify or be close to the three crimes in the area of robberies or burglaries. We can go further if we include other handgun violations, but I am not so sure of the exact wording of the legislation. It would be less than 1 percent of the total.

Senator SPECTER. Less than 1 percent of the total part I offenses?

Inspector SPURLOCK. Seven percent of our arrests of part I offenders involve a firearm. And if you take those people there that have two prior convictions, you are talking less than 1 percent.

NUMBER OF ARRESTS FOR PART I OFFENSES

Senator SPECTER. How many people do you arrest?

Inspector SPURLOCK. About 10,000 a year for part I offenses.

Senator SPECTER. So if you are saying 7 percent with a firearm, you would have 700 that would be arrested.

Inspector SPURLOCK. About 730, I estimated, out of 1983 figures.

Senator SPECTER. And you would think that out of that number, those who have—it is three or four robberies or burglary convictions.

Inspector SPURLOCK. Well, the legislation, I believe, says more than two.

Senator SPECTER. Yes.

Inspector SPURLOCK. But the third one, they would be eligible for this; is that not correct?

Senator SPECTER. No; I think the legislation finally passed says that anyone found in possession of a firearm who has been convicted of three or more robberies or burglaries. The original legislation said someone who committed a robbery or burglary with possession of a firearm, having been convicted of two or more in the past. So the third one could have been a charge. But we changed that just a little bit so that it is now in the possession of a firearm, having been convicted of three or more robberies or burglaries.

So you would expect that to be somewhere in the 1-percent range?

Inspector SPURLOCK. Less than 1 percent.

Senator SPECTER. Less than 1; less than 100.

Inspector SPURLOCK. Yes; I think there is some benefit from the element of fear. If everyone became aware of it, especially defense counsel in the city, that they could possibly have their clients subject to this, I think it would help. And in the area of the targets that we pick those criminals committing five or more part I crimes a week, it could help us tremendously. If you are talking about a person who has a narcotic habit of $200 or $300 a day, unemployed, with no marketable skills, he has to do a lot of robberies. He has to do a lot of burglaries. And he has to mix that with all the other part I offenses that you can think of, from petit theft to robbery. If you look at it in that light, I think it could have a benefit. We are experiencing presently a minus 7-percent projection in the reduction of crimes in the city over last year. This could help us reach our crime reduction goal.

Senator SPECTER. I think you may find it is that category of person who has prior burglary convictions. What you have to look at, obviously, is what the prior records are. You get 7 percent with a firearm; then you have to see how many prior convictions they have.

We did a statistical study when I was District Attorney and came up to about 500 in Philadelphia, and I would say Philadelphia is 2½ times as big as Washington. But it is more than 1 year. It may be 1½ years, considering your backlog. Nobody really knows how many career criminals there are. We have inquired on this subject with many experts, and nationwide, we have had estimates in the range of 200,000 to 400,000 career criminals by this category. But now that we have the law, we will be able to focus on it and see just what it is that we are dealing with.

But you think, inspector, that there will be a deterrent effect once it becomes known that this legislation is available?

Inspector SPURLOCK. Yes; I believe it will, not just the fact that they could be subject to the Federal statute, but I think that we could send a few of our repeat offenders away like this. I really do.

ACCELERATED FELONY TRIAL CALENDARS

Mr. DIGENOVA. The inspector is absolutely correct, Senator. When you look at the impact that the accelerated felony trial calendars are having, we are already starting to see accelerated guilty pleas, because they know that these two judges are going to move this calendar, and they are already in the preliminary stages. And the anticipation of that calendar coming into effect and moving is causing dispositions in cases. So the inspector is absolutely correct. Once it is known that there is not only the hammer of that law out there, but the hammer of a very expeditious trial—my position is that defendants are going to be asking for continuances, not the government, and that those are going to be given only for extremely good cause shown, and what we are going to see is dispositions in these cases.

Senator SPECTER. You have two judges on the calendar. Do they try cases or just administer them?

Mr. DIGENOVA. Oh, they try them from start to finish. They get those cases from day one.

Senator SPECTER. I see. And if there is a demand for a jury trial, they enpanel the jury and try them?

Mr. DIGENOVA. Yes.

DEMAND FOR JURY TRIALS

Senator SPECTER. Are there many demands for jury trials on that docket?

Judge UGAST. Well, those that go to trial, most of them are jury trials.

Senator SPECTER. If you have a demand for a jury trial in these cases, it has to obviously slow up the process. It takes some time to try a jury case.

Judge UGAST. Well, we have 158 cases, about 75 on each of the calendars, right now, and they are tight, particularly at the transition period. In transferring these cases off of other calendars, there is some compression, particularly with the pressure of some pretrial detention cases that must be tried within the statutory timeframe. For the first couple of months, it is very, very tight and compressed. But these judges are trying, and I think there will be a substantial number of guilty pleas that will permit them to keep those calendars current.

But that is one of the reasons that we have used a more selective criteria, with the concurrence of the U.S. attorney, and that the U.S. attorney suggested to keeping those calendars' numbers at a level where they will move, notwithstanding the fact that we expect a number of jury trials.

NUMBER OF ARRESTS WITH POSSESSION OF FIREARMS

Senator SPECTER. Fine. Inspector Spurlock, if you could take a look at your statistics on the subjects that we have talked about and give us some further quantification as to how many you arrest with possession of a firearm have three or more robbery and burglary convictions, this subcommittee would be very interested to know that.

Inspector **Spurlock**. I would like to say at this point that that is no problem, but one of the reasons, and I think both Judge Ugast and the U.S. attorney will agree, you have a tremendous problem. The U.S. attorney is limited by the law about convictions, but the police departments are not. If a person was arrested for an offense, we can put certain weight to that. Because of the volume that is going through a limited system, we are talking 1,800 arrests per month. We are talking about 2,600 charges, an additional 850 felonies, funneled into the system. So for expedience, sometimes a case that might qualify does not go to trial. We may waive it and have the man go to Virginia and face a charge there and not be tried in the District, and we had a qualifying charge here. We could, for instance, take a plea, because the system is so clogged. But when you start looking, you find a distorted picture. Twenty-six hundred charges per month is unreal, 850 felonies.

Senator **Specter**. What I would like to see is the distillation as to how many cases fall into the career criminal category. That is what the Congress has finally defined as the group to which we want to give priority attention. And our definition may not be right. Maybe we will want to define career criminal. It took us a long time to get anything done, but we are open on it.

REVOCATION OF PROBATION PROCEDURES

Judge Ugast, let me shift to one other subject which we have talked about before, and it is not the subject of our hearing today, but to the extent that you can update me on the revocation of probation procedures, I would be interested to know about that.

Judge **Ugast**. Well, as you know, when this matter was discussed and presented to the subcommittee, we tried to indicate the need for some resources to deal with the probation revocation procedure. And that need was a real one, because, again we were affected by the very heavy calendars that each individual judge had.

Senator **Specter**. We did get you some help on that.

Judge **Ugast**. You got us two commissioners.

What we are working on at this time, and it is being reviewed, are procedures that would utilize these new commissioners, in conjunction with the judges, for the handling of the initial revocation procedure provided for under our criminal rules. And where they involve felonies, and there is a 5-day hold or a 3-day hold, we are considering establishing procedures whereby the commissioners, in certain types of instances, particularly unavailability of judges, would be able to conduct those hearings on the initial revocation procedures.

Senator **Specter**. Judge Ugast, let me come right to the kernel of it. Have we, on the probation issue, solved the problem of working out procedures so that when a defendant, a convict, is on probation, and he is charged with a subsequent offense, that there is a determination made on probation revocation prior to the time that he is released on bail on the second offense?

Judge UGAST. We expect to be able to accomplish that in cases where 5-day holds or 3-day holds are permitted under the statute——

Senator SPECTER. Well, when you say "expect to be"—have you not yet made that determination? Have you not yet established the procedures?

Judge UGAST. No; those procedures are being reviewed right now——

Senator SPECTER. Well, Judge Ugast, what is taking so long?

Judge UGAST. Well, the problem is a difficult one. We are trying to see how far we can go to embrace more than just the 5-day holds and 3-day holds. What we are trying to do is to include cases where 5-day holds are not granted, or not asked for, or do not qualify, and to cover a broader spectrum of cases where there are probation violations. And their numbers are very, very substantial. Those commissioners have not yet been employed. The applications are being reviewed now, so that those people would not be on duty—I would not think that the Chief Judge will have made the selections or had the selections made until the end of the month, anyway.

We have been working on this ever since we have talked up here, and we have worked with the U.S. Attorney's Office to have their thoughts on it, as well as the logistics of internally complying with the rules which involve notification—there are several steps that have to be taken.

We have procedures that we hope to finalize in the next week or two, and certainly before the end of the year, that will meet most of the matters you raise except those where there is no 5-day hold or no 3-day hold. When a bond is set that holds the individual in the new case, it will take, possibly, 5 days before that individual could have a probation revocation hearing, because it involves the issuance of a new show-cause order by the judge that has the old case.

DISAPPOINTED IN JUDGES' PROGRESS

Senator SPECTER. Judge Ugast, I am disappointed to hear that that problem has not been solved. Now, you are the judges, and you are independent. And I sit as the chairman of a subcommittee, trying to give you financial assistance. And I sit as the chairman of a subcommittee with some experience, obviously, in the kinds of problems which you face. But from my point of view, this is a matter which we have discussed; this is the third occasion, at least, or maybe more, that we have talked about this, ranging over a period of many months. And I consider it to be a matter of high priority that the probation system function in the District of Columbia, subject to what I can do about it, so that if someone is on probation, and is charged with a subsequent offense, that the mechanism be worked out so that there is a determination as to probation revocation before he or she is released. And I believe that that is a very high priority item, and I know of no item which requires a higher priority in the judicial system. And I say that very directly, maybe too bluntly, but I believe that.

I am a big supporter of yours in the court system, with the seven new judges and the additional commissioners and the money. And if I am going to continue to support you, I want to see priority attention to a problem like that.

Judge Ugast. Senator, it is not that it is not getting priority attention. It has gotten priority attention, together with all the other things we have done. The question is, before we make the final decision on how we want to do it, we wanted to make it as broad as we possibly could so that it would work. We have it, and it is ready to go, but when I say finalize it, I mean make the ultimate decision on is it as broad as we would wish to make it.

Senator Specter. Judge Ugast, this is December 12, and the system went into effect on October 1. And we put up $160,000 for this program, that I found in the District of Columbia money, notwithstanding a lot of problems that I have with it. And I just think that the court has to come to grips with this and has to solve it. I am prepared to go into the details with you, although I would prefer not to, as to what the hold period is, but you know the objective that I am looking for, and I know it is the same objective that you are looking for. And I know you are busy, and I know you have lots of commitments, but I wish you would express to Chief Judge Moultrie my sense on this, and I know I speak for the subcommittee and the Appropriations Committee and the Senate and the Congress, because we all live here, like you do and all the rest of the citizens here, and I think that problem just has to be resolved.

Judge Ugast. I agree with you wholeheartedly, and as I say, the applications have been received now and are being reviewed, and the whole process, I would hope, will be in place the first of the year.

Senator Specter. Well, Judge Ugast, if it requires judicial manpower to deal with this, I would hope that the court would apply judicial manpower to it, because among the range of priorities—and I understand your system, and I understand your civil cases and your domestic cases and your pending criminal cases and your career criminal cases, that is the crunch—the guy who is on probation and is charged with another offense, and there you have a chance, in a fairly summary proceeding, appropriately so, to make a determination of probation violation and to detain.

Well, you have my sense on it.

Judge Ugast. I understand, Senator. Be assured that this has a top priority, and is being followed up.

Senator Specter. Mr. diGenova?

IMPLICATIONS OF REVOCATION OF PROBATION PROCEDURES

Mr. diGenova. Senator, let me just add a note here to say that we have been working very closely with the court on this and trying to assist in getting this thing accelerated. But there is a point here that I think needs to be made, and it is a very serious one—in fact, it transcends the probation question.

With the implementation of the accelerated probation revocation procedures, we are going to face an even greater problem of jail and prison overcrowding. We, in our office, for 2 years have been publicly discussing the question of the need for additional prison and jail space. There has been a quiet debate going on behind various closed doors, about whether or not the city needs additional prison and jail space.

The fact is inescapable. The arrests are on the increase; serious crime is being prosecuted at a faster rate as a result of all the measures that you have undertaken and that have been implemented by both the court, the U.S. Attorney's Office and the police department. This will be one further matter which will push up the number of people being detained and being jailed or imprisoned on sentences. And I think that that is another matter which needs to be addressed frontally, not only by the city but by the Congress, on the question of what are we going to do now that we have an overcrowded Lorton, an overcrowded District jail, and when we know that everyone seems to favor strong law enforcement at this point, once individuals who should be incarcerated, as to how are we going to address that problem. And I think that is another agenda item.

Senator SPECTER. Mr. diGenova, I am prepared to address that item. We have addressed it. The last time we had a hearing, the administration and the Mayor said there was no problem on jail overcrowding. And I question that.

My own judgment, and I expressed it on the record, was that there was overcrowding and that it was a very serious problem, and we had to make plans about it. And I discussed it with the Mayor. I discussed it with White House officials. And that is a subject which the Senate has taken up, my amendments, to try to expand Federal aid on prison construction generally. So that I am prepared to deal with that, and we will set a hearing on that subject, on the initiative which you have just made. We will schedule a hearing promptly on it. And that is very important, but to the extent that we have probation revocations to create the problem, I want to see the problem created. I do not want the probation revocation procedures to lag. And I think I made the point to Judge Ugast, and we will consider it further.

PAROLE REVOCATION PROCEDURES

Let me take up just one final item, and that is what is happening on our parole revocation procedures, Mr. diGenova. We have not asked the Parole Board in today.

Mr. DIGENOVA. Well, they have issued new regulations for that, Mr. Chairman, and we have been in the process of reviewing those. They go a long way toward meeting many of our criticisms.

Senator SPECTER. Are the rules in effect now?

Mr. DIGENOVA. They were published, and they will be in effect.

Senator SPECTER. Do you know when they will be in effect? Judge Ugast, you wouldn't want the Parole Board to beat you to the punch, would you, on effective dates of revocation?

Judge UGAST. I think they were published November 14, is my recollection.

Senator SPECTER. They may have had a head start, but there is no way the courts cannot function faster than the Parole Board.

Mr. DIGENOVA. The Parole Board issued its initial release guidelines. Those are, I believe, ready to go into effect. The revocation guidelines were issued last week, and they will take 30 days after publication to go into effect.

Senator SPECTER. Are the new guidelines for parole in effect now?

Mr. DIGENOVA. The initial release decision guidelines are, I believe, about ready to go into effect. The revocation guidelines will go into effect in about 1 month.

Senator SPECTER. Would you supply me, Mr. diGenova, with those exact dates? I would like to know precisely when they are.

Mr. DIGENOVA. I would be happy to, Mr. Chairman.

CLOSING REMARKS

Senator SPECTER. Well, it may well be that I will not become chairman of the Defense Appropriations Subcommittee next year, there being some considerable competition for that position, and I may well be chairman of the District of Columbia Appropriations Subcommittee, an assignment that I consider to be of great importance, and that I am pleased to undertake, notwithstanding the customary smiles about D.C. chairmanship. I think it is a very important work which we are undertaking here, and I think we are making some progress, and I intend to stay with it. And I appreciate the cooperation of you gentlemen today. We will move ahead on a hearing on the jail situation, as you suggest, Mr. diGenova.

And, Judge Ugast, I would like to have the subcommittee staff in touch with the court staff, to bring me up to date in a less time-consuming way than now on your procedures, and you have my sense as to where this subcommittee would like to see us head on that.

And, as to career criminals, I think we are on track. I commend you for what you are doing there, and I look forward to the implementation of a new law and our continuing efforts to really make the District of Columbia a model city.

CONCLUSION OF HEARINGS

Thank you all very much. That concludes the hearings. The subcommittee will recess and reconvene at the call of the Chair.

[Whereupon, at 10:55 a.m., Wednesday, December 12, the hearings were concluded and the subcommittee was recessed to reconvene at the call of the Chair.]

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